

Ecclesiastical (1899) Department.

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G.O., No. 174, 2

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[Despatch Abstract.]

Kilpauk Cemetery

Sho! is that the cost of the further protection to
considered necessary by the Rt Revd the Bishop before
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date in the P. W. D.

}	1899.	<i>Enclosures</i>
		<i>Spare copies</i>

G.O., No. 174, 26th December 1899.

DECEMBER.

Kilpauk Cemetery.

Stating that the cost of the further protection to—, considered necessary by the Right Reverend the Bishop before it can be consecrated, must be borne by the Government and not by the Municipality; and that, in view to the consecration of the Church of England portion, an estimate of the cost of the additional work now required will be prepared at an early date in the Public Works Department.

GOVERNMENT OF MADRAS.

ECCLESIASTICAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 34, Ecclesiastical, dated 15th March 1898.

ABSTRACT.—Requesting the Venerable the Archdeacon to direct the Chaplain having local jurisdiction to take charge of the new cemetery at Kilpauk; and stating that the attention of the Chaplain should be drawn to section I, Rule VI (2), of the revised Ecclesiastical Rules in connection with the allotment to the Church of Scotland of some portion of the new cemetery at Kilpauk.

G.O., Mis. No. 110, Ecclesiastical, dated 2nd September 1898.

Read—the following papers:—

From the Venerable the Archdeacon of Madras, dated 31st May 1898, No. 4488.

ABSTRACT.—Making certain proposals for the upkeep of the Kilpauk cemetery and requesting that, in view of the great size of the cemetery and the labour to the Chaplain in charge involved in its oversight, the representatives of the several religious bodies concerned be made responsible, respectively, for the portions used by them.

From the Venerable the Archdeacon of Madras, dated 18th August 1898, No. 4628.

ABSTRACT.—Giving the information called for in memorandum No. 1721, Ecclesiastical, dated 15th August 1898, regarding the present establishment of the new Kilpauk cemetery, Madras.

Order—Mis. No. 110, Ecclesiastical, dated 2nd September 1898.

The entertainment of one malichowkidar on Rs. 5 *per mensem* and of three assistants on Rs. 4 *per mensem* for the new Kilpauk cemetery is sanctioned with effect from 1st May 1898.

2. A special grant of Rs. 52 is also sanctioned to meet necessary extra expenses that may have been incurred during the first four months after the local Chaplain took over charge of the cemetery.

3. With regard to the other proposals contained in the Venerable the Archdeacon's letter, No. 4488, dated 31st May 1898, Government regrets that Rule VI (3) of the Ecclesiastical Rules published in G.O., No. 29, Ecclesiastical, dated 23rd February 1898, renders it impossible to hand over the portions of the cemetery other than that set apart for the Church of England to the representatives of the several denominations concerned and to hold them responsible for burial arrangements in their particular portions of the cemetery. It is necessary that the Chaplain in charge of the cemetery should be held responsible for its being kept in proper condition, and,

in the opinion of Government, this cannot be done if other denominations are allowed to have independent charge of portions of the cemetery. There is no objection, however, to other denominations being allowed to spend money on their respective portions of the cemetery subject to the control of the Chaplain in charge.

4. The Venerable the Archdeacon urges that, if his proposal to hold the various denominations responsible for their particular portions of the cemetery is not approved by Government, it will be necessary to have always two Chaplains at Vepery, but it will be pointed out that under Rule VII (i) of the Ecclesiastical Rules referred to Ministers of all denominations have a right to conduct the service of burial over the body of any deceased member of their respective congregations who may be buried in any fitting portion of the ground set apart for the denomination to which the deceased belonged. It is improbable, therefore, that the Chaplain of Vepery will have to conduct burials in all or nearly all cases.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Venerable the Archdeacon.
" Right Reverend the Bishop of Madras.
" Accountant-General.

READ—also the following papers:—

From the Venerable W. WESTON ELWES, M.A., Archdeacon of Madras, to the Chief Secretary to Government, dated 22nd February 1899, No. 4936.

I have the honour to state for the consideration and orders of Government and with reference to G.O., No. 34, Ecclesiastical, dated 15th March 1898, that in accordance with that order I directed the Rev. A. A. Sharp, Joint Chaplain of Vepery, to take over charge of the new Kilpauk cemetery, and Mr. Sharp in my presence took over charge from the President, Municipality, with effect from the 1st of May 1898.

2. In January last I requested the Right Reverend the Bishop of Madras to send his Chaplain to meet the Rev. A. A. Sharp and myself at the Kilpauk cemetery with a view to report to the Bishop as to the possibility of the consecration of the Church of England part of the cemetery.

3. After considering the report made, the Bishop stated "after careful examination it seems impossible for the consecration to take place until better protection has been put up round certain parts of the cemetery."

4. I have the honour to state I agree with this view and to suggest that the Committee appointed for the purpose of considering the proposal to open certain new cemeteries in and about Madras should be directed to re-assemble and to report to Government as to—

(a) whether the Kilpauk cemetery had been constructed according to the agreement between the Government Committee and the President, Municipal Commission, at the time the President handed over the cemetery to the Rev. A. A. Sharp;

(b) whether, if not so constructed, the cemetery was still *properly* constructed.

5. It seems to me that if the cemetery at that time was not properly constructed, the Municipality should be called upon to bear the cost of any necessary additions to the work.

Memo. No. 739.

With reference to his letter No. 4936, dated 22nd February 1899, the Venerable the Archdeacon is requested to report in what respects exactly the Right Reverend the Bishop considered the new Kilpauk cemetery not to be properly constructed.

(Signed) G. STOKES,
Chief Secretary.

14th March 1899.

From the Venerable W. WESTON ELWES, M.A., Archdeacon of Madras, to the Chief Secretary to Government, dated 17th March 1899, No. 4989.

I have the honour to acknowledge the receipt of your Memo. No. 739, dated 14th March, regarding the new cemetery at Kilpauk.

The objection raised to the consecration was because "only a portion of the cemetery is sufficiently well enclosed by a wall and a hedge and the remaining portion has little or no protection of any kind."

2. The above refers to the fact that between the end of the wall built by the Municipality and the part where the hedge is sufficient protection there is a very considerable portion without any protection at all. I have no doubt it was the intention of the Government Committee that the wall should be built up to the point where there is a satisfactory hedge.

3. There are also portions where the hedge requires repairs, but the above is the principal and by far the most important matter concerning which an objection was raised as to the consecration.

Endt. No. 838.

Referred to the Public Works Department with the request that instructions may be issued to the Consulting Architect to inspect the new Kilpauk cemetery, and to show clearly on the accompanying plan how the various portions of the boundary are now protected, and whether the hedge which forms one portion of the boundary is a sufficient protection for that part.

24th March 1899.

(Signed) G. STOKES,
Chief Secretary.

From G. S. T. HARRIS, Esq., Consulting Architect to the Government of Madras, to the Chief Engineer, Public Works Department, dated 9th May 1899, No. 473.

In returning the papers received with your endorsement No. 1938-C., dated the 6th April 1899, I have the honour to report that I inspected the Kilpauk cemetery on the 5th instant. The Rev. A. A. Sharp was present.

The west boundary marked DE on the plan consists of a brick and mud wall plastered with cement, 5 feet high, lately built by the Municipality.

The southern boundary marked AD lying along Kilpauk garden road consists of a newly planted korkapilly (*Ingaduleis*) hedge about 4 feet high which is sufficient to keep out cattle. There is a gateway at B with a wrought iron gate. A to G on the east side is an old korkapilly hedge which is ragged and useless.

I do not consider that the cemetery is in a fit condition to be used; for, situated as it is in the outskirts of the city, the graves are certain to be disturbed by jackals which abound here. A compound wall of the same height as the one existing on the west side should be erected on the other three sides.

I roughly estimate the requirements for putting the cemetery in order for use as follows:—

Compound wall about 3,000 feet long	RS.
Vestries on either side of gateway, one for Protestants and the other for Roman Catholics	6,000
Keeper's house	2,500
Laying on Red Hills water	500
	2,580
Total	11,580

I may add that the water has to be led from some distance; hence the cost will be high.

Endt. No. 206-D.

Transferred to the Ecclesiastical Department.

(Signed) W. B. DEWINTON,
Secretary to Government, P.W.D.

15th May 1899.

Memo. No. 1719.

With reference to his letters No. 4936, dated 22nd February 1899, and No. 4989, dated 17th March 1899, the attention of the Venerable the Archdeacon is invited to the fact that he signed the Committee's report printed with G.O., No. 41, Ecclesiastical, dated 6th July 1896, paragraph 7 of which pronounced a wall on the east and north sides, ACE, of the new Kilpauk cemetery to be unnecessary, and a wall on the south side, AD, to be necessary only if the new fence proved insufficient, while the wall from D to E, which was said to be necessary, has now been built. The Venerable the Archdeacon is requested to state whether, in view of the above facts, he has any further observations to offer.

2. The plan of the cemetery and copies of G.Os., No. 41, Ecclesiastical, dated 6th July 1896, and No. 34, Ecclesiastical, dated 15th March 1898, are forwarded for reference and return.

(Signed) G. STOKES,
Chief Secretary.

1st July 1899.

From the Venerable W. WESTON ELWES, M.A., Archdeacon of Madras, to the Chief Secretary to Government, dated Coonoor, 24th July 1899, No. 5218.

I have the honour to acknowledge the receipt of your Memo. No. 1719, dated the 11th July 1899, regarding "the new Kilpauk cemetery."

2. The principle on which the Government Committee, including the President of the Municipality, worked all along was this: that the Municipality was to construct the cemetery. This construction was acknowledged by all to include levelling the ground sufficiently for burials to take place, the making of roads and paths and the sufficient protection of the ground by some surroundings.

3. The surroundings agreed upon were—

- (a) a growing hedge to be replaced by a wall if the hedge should turn out to be insufficient,
- (b) an old hedge,
- (c) a new wall,

and it was understood these were to make a complete surrounding.

4. In looking over the papers I think the whole of the signatories, including the President of the Municipality, were technically wrong in stating that the wall should only go from D to E and that ACE was sufficiently protected, i.e., the whole of it. There is no doubt in my mind that everybody on the Government Committee who signed concerning the various kinds of protection understood that we were consenting to a protection, either wall, or already grown hedge, or a growing hedge all round. No one had any idea, I believe, that any part was to be left unprotected.

5. I can only speak from memory, but, so far as I can remember, the plan we had before us at our meetings at the Municipal office had not on it the note sent me by Government (reference 3-C to E "open; no fence whatever"); nor can I remember having seen on that plan, as on the plan I have now before me (supplied by Government) dark ink lines from D to A and from A to C showing a growing hedge, and

an old korkapilly hedge. Had we had these before us in this form I think we must have seen the necessity of putting an extra paragraph concerning E to C, or rather a portion of E to C.

6. The making of a large municipal cemetery like this, in which more than half the burials that take place will be those of Native Christians and the placing it under the Government of India Cemetery Rules (as has been done by the Government of Madras), which rules provide only for the burial of European and Eurasian Christians, and simply give permission for the burials in the cemeteries under the rules of Native Christians where their number is small, involves, I am aware, certain alterations in the past rules and customs. One of these alterations must necessarily be that around these enormous cemeteries there cannot always be, as in the old cemeteries, walls, as the expense would be too great, but there must necessarily be some proper protection. This, I am sure, the Government Committee generally understood, and supposed that the President of the Municipality understood, would be erected before the President proposed to Government that it should take over the cemetery.

7. I think, however, that seeing what the signatories had said about the wall it would have been sufficient had the President planted a proper hedge in the unprotected part.

NOTES CONNECTED WITH G.O., No. 174, ECCLESIASTICAL,
DATED 26TH DECEMBER 1899.

From the Venerable the Archdeacon, dated 22nd February 1899, No. 4936.

The Venerable the Archdeacon reports that the Right Rev. the late Bishop of Madras found it impossible to consecrate the Church of England portion of the new cemetery at Kilpauk until better protection had been provided round certain parts of the cemetery. The Archdeacon does not state which parts of the cemetery were considered by the Bishop to require better protection.

2. In G.O., No. 91, Ecclesiastical, dated 27th November 1895, the gentlemen named in the margin were requested to form themselves into a Committee to report on various questions regarding the provision of additional cemetery accommodation in Madras, one of the points being the division of the new Kilpauk cemetery among the various denominations, and in paragraph 9 of the Government order the President, Madras Municipal Commission, was asked to have a wall built round this cemetery.

- (1) The President, Municipal Commission, Madras.
- (2) The Venerable the Archdeacon.
- (3) The Most Rev. Archbishop Colgan.
- (4) The Right Rev. Dr. H. José Reed DaSilva.
- (5) The Senior Chaplain, Church of Scotland.
- (6) The Rev. W. Skinner, Free Church of Scotland.
- (7) The Rev. J. Beard, Wesleyan Chaplain.
- (8) The Secretary, Madras Missionary Conference.

3. The report of the Committee is printed with G.O., No. 41, Ecclesiastical, dated 6th July 1896. As regards the Kilpauk cemetery the Committee did not consider it necessary to construct a wall along *one part* of the boundary (marked ACE in the plan in G.O., No. 41) as it was already sufficiently protected. At another portion (ABD in the same plan) of the cemetery a fence had been planted and the Committee considered that a wall at this part would only be needed if the fence did not prove a sufficient protection. The Committee's proposals were accepted in the Government order of 6th July 1896, above quoted, and the President, Municipal Commission, was requested to submit proposals for the erection of a wall over certain portions of the Kilpauk cemetery.

4. In January 1898, the President of the Municipality asked for orders of Government as to the disposal of the cemetery, and he enclosed copy of a letter he had sent to the Archdeacon intimating that the "roads and walls" had been made. In G.O., No. 34, Ecclesiastical, dated 15th March 1898, the Archdeacon was asked to direct the Chaplain of the district to take charge of the cemetery. This order was passed without asking for the Archdeacon's opinion as to the completion of the cemetery.

5. The Archdeacon now recommends that the Committee appointed in 1895 be asked to reassemble and to report to Government as to—

(a) whether the Kilpauk cemetery had been constructed according to the agreement between the Government Committee and the President, Municipal Commission, at the time the President handed over the cemetery to the Rev. A. A. Sharp;

(b) whether, if not so constructed, the cemetery was still properly constructed.

6. Of the Committee of 1895, the Right Rev. Dr. DaSilva and the Rev. J. Beard are not now in Madras. If the proposal to reassemble the Committee is approved, the Right Rev. Dr. Barroso, Dr. DaSilva's successor, and the Rev. J. Cooling, the Chairman of the Wesleyan Missionary Society at Madras, might be asked to take their places.

7. Neither the Madras Municipal Act I of 1884 nor the revised Ecclesiastical Rules contain any clear ruling as to when a cemetery may be considered to be properly constructed. Section 392 of the Act requires the Municipality to provide a sufficient number of *convenient* and *fitting* places for burial, and Rule VI (3), Part I of the Ecclesiastical Rules (page 5 of the G.O., No. 29, Ecclesiastical, dated 23rd February 1898) merely lays down that the unconsecrated portions of a cemetery are to be divided off from the consecrated portions by a pathway, and that the *whole cemetery is to be surrounded by a wall*, and to have but one gate of entrance. It will be seen, however, from G.O., No. 41, Ecclesiastical, dated 6th June 1896, that Government apparently accepted the recommendation of the Committee that a portion of the boundary of the new Kilpauk cemetery did not require a wall. To see clearly how matters stand, it seems necessary to have a plan showing the state of the cemetery at the time it was handed over by the President of the Municipality to the Rev. Mr. Sharp. The Committee might be asked to forward such a plan with its report.

Note.—The plan at C might be sent to the Committee with the request that the state of the burial-ground on completion may be marked on it.

8. It seems advisable that the Public Works Department should be represented on the Committee. St. Mathias' Pursewalkum cemetery is in charge of the Public Works Department, and the new Kilpauk cemetery, which is to replace the former, will probably be handed over to the Public Works Department for maintenance when it comes into use. The Consulting Architect might be asked to join the Committee. His opinion as to whether the cemetery has been properly constructed will be a valuable aid to the Committee.

9. Orders are requested as to whether a Committee as above indicated may be invited to assemble.

(Intld.) C.S.
1-3-99.

For Chief Secretary—

Rule VI (3) quoted above clearly lays down that the whole cemetery should be surrounded by wall, and in paragraph 9 of G.O., No. 91, Ecclesiastical, dated 27th November 1895, the Government requested the President of the Municipal Commission to lose no time in having a wall built round the cemetery at Kilpauk as in the case of the cemetery at Saidapet. It would seem to be most important to carry out the instructions about cemeteries in this respect and it is apparently because the Kilpauk cemetery was not properly walled round that the Bishop refused to consecrate it. The papers do not show exactly why the President, Municipal Commission, did not carry out the order referred to at once.

In G.O., No. 41, Ecclesiastical, dated 6th July 1896, the President was requested to report on the suggestions of the Committee about the erection of a wall over portions D to E and ABD of the cemetery, but instead of reporting on these points to Government, the President, with his letter, No. 1151, dated 30th January 1898, read in G.O., No. 34, Ecclesiastical, dated 15th March 1898, forwarded a copy of his letter to the Archdeacon saying that the roads and the wall had been made. It does not appear whether the wall referred to by the President was constructed round the portions of the cemetery D to E and ABD.

Not "the" wall.
(Intld.) A.T.A.

It will be noted that the Archdeacon, who was a member of the Committee and may be presumed to have concurred in the Committee's suggestions about the Kilpauk cemetery, implies in his demi-official, dated 8th February, that he did not think that

the cemetery was properly constructed when Mr. Sharp, the Chaplain of Vepery, took over charge of it in accordance with the Government Order telling him to do so. The Archdeacon also says that he agrees with the view of the Bishop about the cemetery.

It is submitted that the Archdeacon may be asked to state what the agreement referred to in paragraph 4 (a) of his letter is and also to specify exactly (with reference to the plan at flag C) in what respect the cemetery is incomplete and when he has done so, the President, Municipal Commission, may be asked to state why the cemetery was handed over in such a state. If necessary the Public Works Department may be asked whether the cemetery has been properly constructed. If Government decides that the cemetery is improperly constructed, there seems to be no reason why the Municipality should not be called on to remedy this. It is submitted that for the Committee to reassemble and to give its opinion would take some time and is unnecessary in the present case.

(Intld.) A.E.
7-3-99.

By the Chief Secretary—

What has to be ascertained is why the Bishop thinks the cemetery not properly constructed. Ask the Archdeacon as to this.

(Intld.) G.S.
11-3-99.

From the Venerable the Archdeacon, dated 17th March 1899, No. 4989.

With reference to the foregoing orders and memorandum No. 739, dated 14th March 1899, the Archdeacon reports that the Bishop refused to consecrate the new Kilpauk cemetery because only a portion of the cemetery is sufficiently well enclosed by a wall and a hedge and that the remaining portion has little or no protection at all.

2. It now appears that the Bishop's objection did not apply to the hedge, although a hedge is not contemplated by the rules, but that it applied to a portion of the boundary which has neither wall nor hedge.

3. In the Committee's report, printed with G.O., No. 41, Ecclesiastical, dated 6th July 1896, it was agreed that a wall was not necessary from A to C and E, that portion being sufficiently protected (please see the plan attached to that Government Order). The Archdeacon was a member of that Committee and must have agreed to the proposal, but apparently it is the portion from A to C and E which is now considered to have little or no protection.

4. The plan might be sent to the Public Works Department with the request that the existing state of affairs may be marked clearly on it. Apparently there is now a wall only from D to E and a hedge along ABD and nothing along ACE which is about half the boundary. The Public Works Department might also be asked to report if the hedge is a sufficient protection for the part along which it runs.

(Intld.) C.S.
18-3-99.
(") A.E.
20-3-99.

Yes.

(Intld.) G.S.
21-3-99.

From the Public Works Department, dated 15th May 1899, No. 206-D.

In reply to endorsement No. 838, dated 24th March 1899, the Public Works Department has now transferred a letter from the Consulting Architect, dated 9th May 1899, from which it appears that a wall has been built on the west boundary of

the Kilpauk cemetery from D to E; that along the southern boundary from A to D, there is a newly-planted korkapilly hedge, 4 feet high, sufficient to keep out cattle, but apparently not close enough to keep out jackals; and that on the east side from A to G, there is an old korkapilly hedge which is ragged and useless. Nothing is

• The plan says "open, no fence whatever."

said by the Consulting Architect about the north side, G to E, * but apparently this side too is unprotected. The Consulting Architect does not consider the cemetery fit to be used, as, in its present state, graves would be certain to be disturbed by jackals which abound in the locality. He recommends the construction of a wall, on the south, east and north sides, similar to the one now existing on the west side. He estimates the cost of such a wall at Rs. 6,000. To fit the cemetery for use, the Consulting Architect further recommends the construction of vestries on either side of the gateway, and a keeper's house, and the provision of a water-supply.

An order might perhaps be now passed stating that the Government does not consider the cemetery to be properly constructed, and calling on the Municipality to show cause why they should not incur the additional expenditure recommended by the Consulting Architect. They are doubtless bound to make a wall all round the cemetery, but they may demur to the provision of robing rooms and water-supply. It would be well to have their remarks on the subject before absolutely calling on them to carry out the work.

(Intld.) C.S.
18-5-99.

For the Chief Secretary—

Please see the previous note for orders. The opinion of the Government Architect that the cemetery is insufficiently protected and that a wall should be constructed right round it may be accepted. It does not seem to be necessary that the Committee should be resummoned as the Archdeacon proposes.

(Intld.) A.E.
26-5-99.

Local and Municipal u.o. No. 1411, dated 29th May 1899.

(Intld.) G.S.
29-5-99.

LOCAL AND MUNICIPAL DEPARTMENT.

A paper is now in circulation as to the obligation on municipalities to construct buildings and walls round grave yards. The view taken by Honourable Members was that there is no obligation on Municipal Councils to do more than find a fitting piece of ground and fence it. In that case it seems doubtful whether the Madras Municipality can be called upon to build vestry rooms or lay on water. They should apparently build a wall to make it a fitting place for burial.

(Intld.) M.H.
30-5-99.

By the Chief Secretary.

H. M. and His Excellency the Governor for orders—

But this is begging the question. Is it bound?

(Intld.) H.M.W.

As the Municipality is bound to build the wall I think orders to do so should issue.

(Intld.) G.S.
2-6-99.

By the Hon'ble Mr. Winterbotham.

This threatens to become a complex and difficult subject, and the line wants to be cleared.

2. In Government cemeteries, to which the Ecclesiastical Rules apply, a fee of As. 8 * per square foot is charged for the ground occupied by each grave.

* I cannot make out that there is any legal means provided of enforcing payment.

The fee is leviable over the whole cemetery. Chaplain may remit in cases of extreme poverty. Supposing half of the area can be appropriated to graves this fee alone represents upwards of Rs. 10,000 per acre.

This is exclusive of the heavy fees charged for monuments, which (as they are in general use) would in Madras perhaps double the above amount.

3. I see from G.O., No. 296 M., dated 29th March 1887, that the President of the Madras Municipality claimed these fees as a consideration for having to provide cemeteries, apparently contemplating that the Municipality should undertake all expenses of construction and upkeep.

But Government ruled that the provisions of section 392 of the Madras Municipal Act requiring the Commissioners to provide "convenient and fitting" places *prima facie* (whatever that may mean) implied that the new site should be "made over in substitution for the old one and subject exactly to the same terms." Government accordingly resolved to stick to the fees.

4. I can find no authority but this Government Order for holding that the new cemetery at Kilpauk is now a Government cemetery to which the Ecclesiastical Rules apply.

Under section 413 (l) of the Madras Municipal Act the Commissioners have power to make bye-laws to regulate "all matters connected with the good order of all places for the disposal of the dead."

I don't know whether any bye-laws under this section have been framed?

True.

(Intld.) A.T.A.

I can't see how the levy of burial fees in the new cemetery at Kilpauk can be regarded as having any legal sanction.

5. I see from paragraph 2 of G.O., No. 22, Ecclesiastical, dated 26th March 1889, that the Kilpauk cemetery (19.59 acres) was Government land and that Government made it over to the Municipality gratis.

6. This would be, no doubt, an equitable ground for asking the Municipality to provide the wall, &c.

But on what ground can we now hold that the Ecclesiastical Rules apply to the cemetery?

7. The question as to the applicability of the rules has not been raised by any one and seems to have been taken for granted.

On the assumptions—

(1) that the management of the cemetery vests in Government,

(2) that the Ecclesiastical Rules will apply,

(3) that Government will appropriate the fees charged under these rules,

1 acre = 4,840 sq. yds. $\times 9 = 43,560$ sq. ft.
At As. 8 per sq. ft. = Rs. 21,780.
Deduct half for paths, &c. = Rs. 10,000.
Double this for fees on monuments = Rs. 20,000 per acre,
and there are nearly 20 acres.

which on the 19 acres will bring in nearly 4 lakhs of rupees before the cemetery is full, I think that Government had better let the question of the liability of the Municipality drop, and undertake the

completion of the boundary wall, &c., from Provincial funds.

8. But as the site of the cemetery was Government property, I think the better course would have been to treat it from the beginning as a Government cemetery, simply obtaining a license for it under section 383 of the Act.

That, no doubt, would have been the correct course, but it would have meant expenditure from Provincial.

(Intld.) A.T.A.

But as the land has been made over to the Municipality and is now their property, such a course could not now be adopted unless they were prepared to relinquish — see note further on.

(Intld.) A.T.A.

* But the President has acquiesced in the whole cemetery being placed in charge of the Government Chaplain who is now in charge.

(Intld.) H.M.W.
21-6-99.

There will then be no doubt that the Ecclesiastical Rules apply, and the income from fees will amply cover the cost of construction and upkeep.

But as I can see no legal way of enforcing payment I apprehend that difficulties may arise in collecting the fees from the Roman Catholic portion of the ground.

(Intld.) H.M.W.
14-6-99.

Note by the Hon'ble Mr. Arundel, C.S.I.

I think that if we now raise the questions as to whether the burial-ground belongs to Government or the Municipality and as to whether the Ecclesiastical Rules for Government cemeteries apply, we shall be involved in still greater difficulties. As the claim of Government has been admitted by the Municipality since 1889, I would let this sleeping dog lie—subject to the proposal made at the end of this note. The whole of the present difficulty has arisen from the refusal of the Bishop to consecrate the portion of the cemetery set aside for the English church on the ground that there ought to be a wall all round. The Archdeacon supports the Bishop.

The Archdeacon forgets or omits to mention that he was a member of the Committee appointed to make recommendations as to what was needed for the cemetery,

G.O., No. 41, dated 6th July 1896.

and that Colonel Sir G. Moore reported that

† This is the wall DE in the Municipal Engineer's plan, dated 17th April 1896. The Committee said a wall along (the east and north sides) ACE was not necessary, but that a wall along the south side ABD might be necessary if the fence "recently set" proved insufficient.

deacon's attention to the fact that he signed the report which pronounced a wall on the east and north, ACE in plan, to be unnecessary, and a wall on the south AD to be necessary only if the new fence proved insufficient, while the wall from D to E on the west which was required has now been built; and

I do not object, but I think he will probably say that the Lord Bishop convinced him of the error of his ways!

(Intld.) H.M.W.

I will not object.

(Intld.) A.E.H.
27-6-99.

ask if he has any further observations to offer. The plan and copies of G.Os., Nos. 41, dated 6th July 1896, and 34, dated 15th March 1898, may be sent him for reference and return.

The present position seems to be that the Bishop can get anything done he wants by refusing to consecrate!

I do not think that Government would be justified in requiring the Municipal Commission to do anything more to the cemetery. A formal Committee sat and its recommendations were accepted by Government and carried out by the Municipal Commission. Under section 392 of the Municipal Act, Government might have withheld its sanction to the cemetery until such arrangements as it thought fit were carried out. But this sanction was given years ago in 1889.

Under section 64 of the Municipal Act I suppose Government could require the Municipal Commission to do anything by asserting the work was "imposed upon them by this Act," but as the proposed work is not imposed upon them by the Act, such a course would be quite unjustifiable. Presuming that the Archdeacon adheres to his present determination to support the Bishop and throws over the report he agreed to and signed, the question arises how are the walls to be built which the Bishop regards as a prerequisite to consecration.

As the Municipality cannot, in my opinion, be required to build them for the reasons given above, they must be built out of Provincial funds. But to spend Provincial funds on a municipal cemetery seems anomalous.

The suggestion I have to make is this: Colonel Sir G. Moore will be back at the end of July, by which time the Archdeacon will have replied to the reference proposed above. As the matter is too complicated to be easily disposed of by letter, I would ask Colonel Moore to run up here for a few days, and see if an arrangement

He has in effect agreed to this already by acquiescing in the Government Chaplain taking charge of it.

(Intld.) H.M.W.
21-6-99.

can be made by which the Municipal Commission will relinquish to Government the portion or rather two portions of the cemetery reserved for the Church of England. I shall be happy to discuss the matter with him. The advantage to the Municipality will be that it will have to spend nothing more upon these portions, and as the ground cost them nothing they will not be losers. The advantage to Government will be that the Ecclesiastical Rules for Government cemeteries can then be imposed without question. The Church of England cemetery after transfer to Government would have to be registered under section 379 of the Act.

The legal question of how Government is to recover, under the Ecclesiastical Rules, fees which have not been prepaid need not be discussed now. We may wait till the difficulty arises — a civil suit would probably be the remedy.

(Intld.) A.T.A.
21-6-99.

By the Hon'ble Mr. Winterbotham.

I don't think "a suit" would lie. The corpse must be buried and can only be buried in the licensed burying place. The use of the ground is thus compulsory.

(Intld.) H.M.W.

Further Note by the Hon'ble Mr. Winterbotham.

The Hon'ble Mr. Arundel's suggestion is practically the same as mine except that he would only bring the Protestant portion under the Ecclesiastical Rules.

I beg to invite special attention to Part II, Rule II of the Rules.

The grave-fee is payable by all sects and denominations.

I adhere to my opinion that the best course is to get the Municipality to relinquish the whole cemetery to Government.

Under Part II, Rule II, note (2), no general exemption from the grave fee is permissible; but the Chaplain has power to remit the fee on the score of poverty.

(Intld.) H.M.W.
21-6-99.

By His Excellency the Governor.

I do not object to the course proposed, but I am inclined to agree with the Hon'ble Mr. Winterbotham that the whole cemetery should be relinquished to Government.

(Intld.) A.E.H.
27-6-99.

From the Venerable the Archdeacon, No. 5218, dated 24th July 1899.

The Archdeacon now replies to the reference made to him, * calling for his remarks on the fact that he was one of the signatories to the Committee's proceedings which declared that a wall on the boundary ACE of the Kilpauk cemetery was unnecessary. It seems clear from the Archdeacon's letter that the Committee made no personal inspection of the site, and that they based their conclusions on a plan laid before them at the Municipal office. The Archdeacon has no doubt in his mind that all the members of the Committee understood that they were consenting to a complete protection round the cemetery, either in the shape of a wall or hedge and that no one had any idea that any part was to be left unprotected. He says further that he does not remember having seen before the references which the plan now contains, showing the state of the different portions of the boundary. This is not surprising,

considering that the references were entered on the plan by the Consulting Architect, at the request of Government, after the cemetery was reported to be completed. It is submitted that all this misunderstanding would have been saved if the Committee had taken the trouble to make a single personal inspection of the ground before framing their report. They would then have seen that there was no protection from G to E and that the hedge from A to G was an old one, "ragged and useless."

By the Hon'ble Mr. Arundel.
Yes; of course, we presumed they had done so!
(Intld.) A.T.A.

Consulting Architect's letter at page 4 of the G.O. Attention is requested to the course proposed by the Hon'ble Mr. Arundel on page 7 above, which was approved by His Excellency. Sir George Moore has since been granted an extension of leave up to September 4th. Please see also the linked file in which the President, Madras Municipality, has requested the sanction of Government to close the St. Mathias' Church Mission burial-ground, Pursawalkam, and the Roman Catholic cemetery of the Church of the Lady of Purification, Mirsahebpett, as both are overcrowded. These cemeteries are to be superseded by the new cemetery at Kilpauk, but the latter will not be available until the present question is decided.

(Intld.) A.E.
31-7-99.

By the Chief Secretary.

The proposal now stands that Government should take over the cemetery. In that case, Provincial will have to find funds to build the wall which it is plain is needed.

(Intld.) G.S.
1-8-99.

By the Hon'ble Mr. Arundel.

In accordance with what has now been agreed to, the file had better be transferred to Local and Municipal for the reference to the Archdeacon, and for me to communicate with Colonel Moore on his return. I have no objection to the transfer of the whole cemetery to Government if the Municipality agree, but they will probably ask for a refund of money spent.

(Intld.) A.T.A.
2-8-99.

Local and Municipal u.o.

(Intld.) G.S.
3-8-99.

Note for the Chief Secretary—

The Hon'ble Mr. Arundel in his last note, of 2nd August 1899, directs that the file should be transferred to Local and Municipal "for the reference to the Archdeacon, and for me to communicate with Colonel Moore on his return."

2. The Honourable Member has apparently overlooked the fact that the reference to the Archdeacon ordered by the Honourable Member has already been made in Ecclesiastical, and that the Archdeacon's explanation has been obtained. Further, the cemetery has already been handed over to Government by the Municipality, and the Ecclesiastical Department has taken charge of it—please see G.O., No. 34, Ecclesiastical, dated 15th March 1898, and papers printed therewith. In G.O., No. 110, Ecclesiastical, dated 2nd September 1898, an establishment for the cemetery was sanctioned from Provincial funds under the Ecclesiastical Rules, and the Archdeacon was told that the Chaplain of Vepery must take charge of the whole area, including the portions set apart for other denominations.

Yes. I did not know it had been made and have only now seen the reply.
(Intld.) A.T.A.

(Intld.) C.S.
3-8-99.

The further note (page 8) was marked by the Chief Secretary "H.M. and circulate", but has only been circulated to the Hon'ble Mr. Arundel.

(Intld.) A.E.
3-8-99.

Hon'ble Mr. Arundel, c.s.i., again.

(Intld.) G.S.
7-8-99.

Let me have the file when Government returns to Madras and I will see Sir G. Moore about the matter. The Chaplain has "taken charge" of the cemetery, but no formal relinquishment or transfer seems to have been made by the Municipal Commission to whom the land was given. If the cemetery is now to be regarded as a public one not provided by the Municipality under section 392, a license must be obtained for it (? by the Chaplain) under section 383 from the President, and this apparently has not been done or thought of.

(Intld.) A.T.A.
11-8-99.

Further Note by Hon'ble Mr. Arundel, C.S.I.

After talking the matter over with Colonel Moore, I wrote him the demi-official, dated 28th November 1899, of which copy is below.

Colonel Moore's reply to my letter is attached.

It is unnecessary to go into the question of the actual ownership of the land forming the Kilpauk cemetery, or as to whether it should "revert" to the Municipality in the improbable event of its being no longer used as a cemetery.

The main point is that the Municipality has provided a cemetery and has handed it over to an officer—the Chaplain—appointed by Government to receive and take charge of it, and is now only concerned to see that the responsible officer does what he is bound to do. Thus there is no question as to the Municipality claiming to levy or to share fees for burials. Thus far the ground is cleared.

In paragraph 9 of G.O., No. 91, Ecclesiastical, dated 27th November 1895, the President was requested to build a wall round the cemetery. But in the same Government Order a Committee was appointed to report on certain other points.

The Committee recommended a wall not entirely round the cemetery, but along two sections of its boundary (D to E and ABD in the plan). Government approved the recommendations of the Committee (paragraph 1 of G.O., No. 41, Ecclesiastical, dated 6th July 1896) and thus modified its previous order of 1895. The walls recommended by the Committee were built and the cemetery was handed over to the Chaplain under G.O., No. 34, Ecclesiastical, dated 15th March 1898.

I agree.
This is what I recommended at page 18 (page 5 of the printed notes).

(Intld.) H.M.W.
9-12-99.

I agree.

(Intld.) A.E.H.
14-12-99.

In my opinion there can be no doubt that the additional wall now desired by the Bishop and the Archdeacon should be built by Government out of Provincial funds.

(Intld.) A.T.A.
1-12-99.

Demi-official from the Hon'ble Mr. A. T. ARUNDEL, c.s.i., to Sir George Moore, dated 20th November 1899.

With reference to our conversation about the Kilpauk cemetery, I have been through the file again, and should be glad if you will let me know about the following points.

I understand that the Municipality, having handed over charge to the Chaplain of the cemetery which was provided under section 392 of the Municipal Act, regards the cemetery as no longer its property but the property of Government. Is this so?

2. If this be the case the Chaplain in charge ought to have taken out a license from you under section 383. Has he done so? If not, will you issue the license?

3. I understood you to say that the hedge on the east and north (ACE in plan), the existence of which led the Committee to say that no wall was necessary there, was removed under a misapprehended order of Mr. Sharp (the Chaplain) to the gardeners, Mr. Sharp having directed the removal of certain palmyras or other trees, while the gardeners removed the hedge as well. What were the facts as you were able to ascertain them? The absence of the hedge was obviously the reason that led the Bishop to refuse to consecrate. I enclose the plan which please return for reference.

Demi-official from Sir GEORGE MOORE, to the Hon'ble Mr. A. T. Arundel, C.S.I., dated 29th November 1899.

I do not go quite so far as to say the cemetery is no longer municipal property, but I consider that having handed it over to the responsible authority, all I have to do is to see "that those who are responsible do what they are bound to do" (G.O., No. 296 M., dated 29th March 1887).

The question as to property has never been raised. When the burial-ground ceases to be a burial-ground, I should say the land was the property of the Municipality in the same way that all lands granted by Government for a certain purpose, revert when no longer utilized for that purpose.

2. Before the cemetery can be used for burial purposes, the Chaplain in charge will have to register it—paying a fee of Rs. 10; until then it cannot be used.

2. On my asking the Archdeacon what the delay in opening the cemetery was due to, he informed me that the Bishop refused to consecrate it as there was no wall from C to E.

I at once went to the cemetery and found that the hedge from C to E had been removed. I called for a report and received the following from the Engineer: "On our inspecting the Kilpauk cemetery this morning (17th October 1899) the hedge on the northern side was found to be removed, and on enquiry gardener Rathnam informed us that the thorny shrubs which formed the hedge, being overgrown, was ordered by the Chaplain to be removed, with the object that the demarcation stones fixing the boundary of the ground may be clearly visible."

I forwarded this to the Archdeacon, who, in reply, sent me a report from Mr. Sharp, to the effect that there had never been a hedge, that there had been some thorns, but such as would never have made a hedge or have afforded any protection, but that special coolies had been employed to clean the cemetery after the visit the Archdeacon and the Bishop's Chaplain paid to it on the 7th January 1899.

I return the plan forwarded with your letter under reply.

Colonel Moore informs me that the Committee including himself inspected the cemetery before writing their report—see also paragraph 1 of the report in G.O., No. 41, Ecclesiastical, dated 6th July 1896.

Colonel Moore also tells me that Sir H. Bliss inspected the cemetery with him after the Committee had reported, and was fully satisfied that the recommendations were sufficient. The Municipality also sold some mangoes on behalf of the Chaplain and paid the amount (Rs. 47-14-0) to the Chaplain, Mr. Sharp.

(Intld.) A.T.A.
29-11-99.

ORDER—No. 174, Ecclesiastical, dated 26th December 1899.

In G.O., No. 91, Ecclesiastical, dated 27th November 1895, a Committee was appointed by Government to consider the question of apportioning the new Kilpauk cemetery among the various religious bodies of Madras, and the President, Madras Municipal Commission, was requested to build a wall around the cemetery. In the report of the Committee, submitted 22nd April 1896, it was stated that certain portions only of the cemetery required a wall. The former order was, therefore, modified, and the President of the Municipal Commission having caused a wall to be constructed in the parts indicated by the Committee, the cemetery was formally taken charge of by the local Chaplain, acting under G.O., No. 34, Ecclesiastical, dated 15th March 1898. It now appears that the Right Reverend the Bishop considers that further protection is necessary before the cemetery can be consecrated. Under these circumstances His Excellency the Governor in Council considers that the Municipality cannot reasonably be called upon to bear the cost involved in the provision of the additional protection desired by the Right Reverend the Bishop and the Venerable the Archdeacon and that it must, therefore, be supplied at the expense of Government.

2. An estimate of the cost of further work now required will, accordingly, be prepared in the Public Works Department in view to its early completion so as to enable the consecration of the Church of England portion of the cemetery to be carried out.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Venerable the Archdeacon, Madras.
" Right Reverend the Bishop of Madras.
" President, Municipal Commission, Madras.
" Public Works Department (with plan).
" Local and Municipal Department.

Erd. A. F. Eccleston.

Ecclesiastical (1899.) Department.

CURRENT No. 82.

N.B.—KEEP FILE
INTACT.

From

The Venerable W. Weston Oliver, M.A.
Archdeacon of Madras.

Order

Please see my Note of 12.12.99 in the
linked file.

A.S.H.

9.6.99

Please see my note on
separate sheet MS

14-6-99-

No. 4936

Dated 22 February 1899.
Received 22 FEB. 1899.
Registered 23. 2. 99.

Enclosures *enc*

Spare copies

SUBJECT.

Recommending for reasons given
that the Gov. Committee appointed
to consider the proposal to open
new Colleges in Madras should be
directed to assemble & report to
Gov. concerning the construction of
the new Kilpauk College.

BACK PAPERS.

G.O.	No.	Department.	Date.
	110	Eccl:	25.9.8
	93	Med. (also)	
	732		
80	34	"	15.3.98
"	29	"	23.2.98

944 Airt 17.11.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	16	Eccl	11.3.97
	14	"	23.2.97
	4	"	14.1.97
	41	"	6.7.96 and
	91	"	27.11.95

2

80
Secur. Dep

Menu :- N^o 739
4/14/99

with reference
to his letter No 4936
dated 22 Feb 1998. The
Ven^{ble} the Archdeacon
is requested to report in
what respects ^{Exactly} the Rt. Rev.
the Bishop considered the
new Kilpauk Cemetery
to be not properly
constructed.

On
10.3.99

also
11/3/99

14/3/99

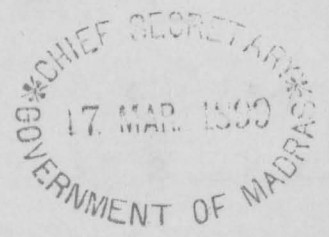
Issue
on
13.3.99

The Ven^{ble} the
Archdeacon.

Despd
14/3/99

Ecclesiastical (1899) Department.

CURRENT No. 119



From
The Venerable W. Weston Elwes, M.A.
Archdeacon of Madras.

No. 4989

Dated 14th March 1899.

Received 17 — 3 — 99

Registered 18 — 3 — 99

Enclosures

Spare copies

SUBJECT.

Letter in answer to memorandum
no 754 dated 14 March 99. See
the first column which
objection was raised to the
of the new Bishop's Council.

Order

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

G.]
[24]
1,000-17-2-19.

4 Eccles DEPARTMENT.

C. No. 82 From the *Notice the Archdeacon*, No. 4936, dated 22.2.1899.

" 119 " " 4989, " 17.3.1899.

" " " " " 189.

" " " " " 189.

Entomment:- No 838, d/24-3-99.

Referred to the P. W. Dept with the request that instructions may be issued to the Consulting Architect to inspect the new Kilpauk Cemetery, and to show ^{clearly} on the accompanying plan how the various portions of the boundary are now protected, and whether the hedge which forms one portion of the boundary is a sufficient protection for that part.

Issued
Cm
23.2.99
filed in No 41126-C

Copied 23/2/99

To the P. W. Dept. with 2
currents in original,
one plain. & copies
of No. 41 rules of 6.2.96
& 34 rules of 15.3.98.

Despd
24/3/99.

Cm
21.3.99.

also
21/3/99

23/3/99.

(1899) Department.

CURRENT No. 3774

Est. CURRENT No 178
128

From

No 2062 d/ 15 May '99
Order Endt.

~~Order~~ Indt.

The Consulting Architects
to the Government
of Madras

No. 473

of Madras

Transferred to
the Ecclesiastical Dept.

APK-99
13-5-99

Dated 9th May 1899

Received

Registered

Enclosures 6 7^x (Plan)

Spare copies.

Secretary to Govt., P.W. &



16 MAY. 1899

NOTAGIEND

SUBJECT.

Reporting how the various portions of the boundary of the Kilpauk Cemetery are now protected

various portions of the
boundary of the Kilpauk
Cemetery are now protected

Cemeteries are now protected

Cemeteries are now protected

Ve.

v. L 5 104

BACK PAPERS.

G.O.	No.	Department.	Date.
	1938C		6-4-99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public Works (1899) Department.

CURRENT No. 2840

3774/83

From

The Ecclesiastical Dept.

No. 1938C-86th April 99

No. 838

Referred to the
Consulting Architect
for the necessary
action.

Atk. 99
3.4

Dated 24. 3. 99

Received } 30. 3. 99
Registered }

Enclosures 5 (1 plan)

Spare copies .

Amunil
Col. R.E.

As. Secretary to Govt,
P.W.D.

SUBJECT.

New Hilpank Cemetery.

Requesting that instructions
may be issued to the Consulting
Architect to inspect the — &
to show clearly on the accompany-
ing plan how the various portions
of the boundary are now protected &

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

130 Seels. Rep

memo No 1719
1-7-29.

with reference to

his letter no 4936 dated
22 July 1899 and no 4989
dated 17 March 1899. The
attention of the Ven'ble
the Archdeacon is
invited to the fact
that he signed the
Committee's report printed
with G.O. no 41 Seels. dated
6 July 1896, para 7 of
which pronounced a
wall on the East & North
sides, A.C.E., of the new
Kilpauk Cemetery to be
unnecessary, and a
wall on the south side,
A.D., to be necessary only
if the new fence
proved insufficient,
while the wall from
D. to E., which was said
to be necessary, has
now been built. The
Ven'ble the Archdeacon

Done on 20/6/29

8
is requested to state whether
in view of the above facts,
he has any further
observations to offer.

2. The plan of the cemetery
and copies of G.O. No. 41
G.O. dated 6. July 1898 & No.
34 G.O. dated 15. March
1898 are forwarded for
reference & return.

(from order)

Cu

29.6.99.

ale
29/6/99

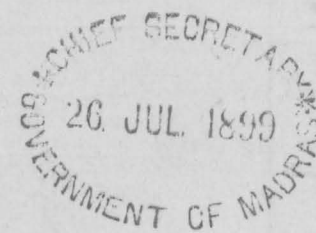
[Signature]

To the Ven. the Archbishop
with plan & copies
of the 2 G.O.

Depd
1/7/99.

9
Ecclesiastical (1899) Department.

CURRENT No. 259



From

The Ven. H. Wesley Elsworth
Archdeacon of Madras

Order

No. 5218

Dated

July 24. 99

Received

26

Registered

27

Enclosures

Spare copies

SUBJECT.

Regarding enclosure of
New Talpauk Cemetery Madras

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

1,000-17-2-29

Rec c 6.12.99
R 9.12.99
C 12.12.99
R 14.12.99

Ecclesiastical DEPARTMENT.

C. No. 82..... From the Venerable the Archdeacon....., No. 4936....., dated 22-2-1899.

..... 189 .

189

F O R O R D E R S

The "impossibility" was of
the Bishop's own making.

The archdeacon does not state which parts of the cemetery were considered by the Bishop to require better protection. B

The Ven'ble the Archdeacon reports that the Rt. Rev. the late Bishop of Madras found it impossible to consecrate the Church of England portion of the new cemetery at Kilpauk until better protection had been provided round ~~the~~ certain parts of the Cemetery.

2. In G.O.No.91 Eccl.,d/ 27-11-95,
the gentlemen named in the margin were

- | | |
|---|------------|
| (1) The President, Munl. Commn. Madras. | requested |
| (2) ,, Ven'ble the Archdeacon | |
| (3) ,, Most Rev. Archbishop Colgan | to form |
| (4) Rt. Rev. Dr. H. Jose F. a Silva | |
| (5) ,, Senior Chaplain Church of Scotland | themselves |
| (6) ,, Rev. W. Skinner, Free Church of
Scotland. | into a |
| (7) ,, Rev. J. Beard, Wesleyan Chaplain | Committee |
| (8) ,, Secy. Madras Missionary Conference | to report |

on various questions regarding the provision of additional cemetery accommodation in Madras, one of the points being the division of the new Kilpauk cemetery among the various denominations, and in para 9 of the G.O. the

11 2
President Madras Municipal Commission
was asked to have a wall built round this
cemetery.

3. The report of the Committee is
printed with G.O.No.41 Eccl., dated 6th
July 1896. As regards the Kilpauk cemetery
the Committee did not consider it

necessary to construct a wall along one *(marked A.C.E in the } Flag P.
part of the boundary as it was already place in G.O. 41)*
sufficiently protected. At another portion *(A.B.D in the same plan)*
of the cemetery a fence had been planted
and the Committee considered that a wall
at this part would only be needed if the
fence did not prove a sufficient protec-
tion. The Committee's proposals were
accepted in the G.O. of 6-7-96 above

quoted, & the Pres^t Municipal Commission was requested to submit proposals for the
erection of a wall over certain
portions of the Kilpauk Cemetery.

4. In January 1898, the President
of the Municipality asked for orders of
Government as to the disposal of the

cemetery, and he enclosed copy of a letter
he had sent to the Archdeacon intimating

that the "roads and walls" had been made.

In G.O.No.34 Eccl., d/ 15-3-98, the Archdeacon

was asked to direct the Chaplain of the

District to take charge of the cemetery.

This order was passed without asking for

the Archdeacon's opinion as to the

completion of the cemetery.

5. The Archdeacon now recommends that the

Committee appointed in 1895 be asked

to reassemble and to report to Govt. as to

(a) whether the Kilpauk Cemetery had been

constructed according to the agreement

between the Govt. Committee and the President

Munl. Commn. at the time the President

handed over the cemetery to the Rev. A.A.

Sharp

3 12 2P
Sharp.

(b) whether, if not so constructed,
the cemetery was still properly con-
structed.

6. Of the Committee of 1895, the
Rt. Rev. Dr. DaSilva and the Rev. J.
Beard are not now in Madras. If the
proposal to reassemble the Committee
is approved, the Rt. Rev. Dr. Barroso
Dr. DaSilva's successor, and the Rev. J.
Cooling, the Chairman of the Wesleyan
Missionary Society at Madras, might be
asked to take their places.

7. Neither the Madras Municipal
Act I of 1884 nor the revised Eccl.
rules contain any clear ruling as to
when a cemetery may be considered to
be properly constructed. Section 392
of the Act requires the Municipality
to provide a sufficient number of
convenient and fitting places for
burial, and rule VI (3) Part I of the
Eccl. Rules (page 5 of G.O.No.29
Eccl.d/23-2-98) merely lays down that
the unconsecrated portions of a
cemetery are to be divided off from
the consecrated portions by a path
way, and that the whole ^{cemetery} is to be

surrounded by a wall, and to have but
one gate of entrance. It will be seen
however from G.O.No.41 Eccl.d/6-6-96
that Govt. ^{apparently} accepted the recommenda-
tion of the Committee that a portion
of the boundary of the new Kilpauk
Cemetery did not require a wall. To
see clearly how matters stand, it
seems necessary to have a plan show-
ing the state of the cemetery at the

He did not say "walls"
but "wall."
HT

It is not clear to what
agreement the Archdeacon refers.

time it was handed over by the President of the Municipality to the Rev. Mr. Sharp. The Committee might be asked to forward such a plan with its report.

8. It seems advisable that the Public Works Dept. should be represented on the Committee. St Mathias/Pursewalkum Cemetery is in charge of the P.W. Dept, and the new Kilpauk Cemetery, which is to replace the former, will probably be handed over to the P.W.D. for maintenance, when it comes into use. The Consulting Architect might be asked to join the Committee. His opinion as to whether the cemetery has been properly constructed will be a valuable aid to the Committee.

9. Orders are requested as to whether a Committee as above indicated may be invited to assemble.

*note - the plan act)
might be sent to the
Committee with the
request that the state of the
buried ground on completion
may be marked on it.*

*only applies to
Govt. - cemeteries*

*On 1.3.99
C.S.*
Rule VI (3) quoted a book clearly lays down that the whole cemetery should be surrounded by a wall, & in para 9 of G.O. no. 91 Eccl. d. 27th Nov. 95. Flag B
The Gat. requested the President of the Mun. Commission to lose no time in having a wall built round the cemetery at Kilpauk as in the case of the Cemetery at Saidapet. It would seem to be most important to carry out the instructions about

cemeteries in this respect & it is apparently because the Kilpauk Cemetery was not properly walled round that the Bishop refused to consecrate it. The papers do not show exactly why the Pres. Municipal Comm. did not carry out the order referred to at once.

Flag C. In G.O. no. 41 Eccl. d. 6th July 1896 the Pres. was requested to report on the suggestion of the Committee about the erection of a wall ~~over~~ portions D to E & A.B.D. of the Cemetery, but instead of reporting on these points to Gat, the Pres. with his letter no. 1151 d. 31st Jan^{ry} 1898 read in G.O. no. 34 Eccl. d. 15th March 1898, forwarded a copy of his letter to the Archdeacon saying that the roads & the wall had been made. It does not appear whether the wall referred to by the Pres. was constructed round the portions of the Cemetery D to E & A.B.D.

It will be noted that the

Flag A.

not "the" wall.
MA

archdeacon, who was a member of the Committee & may be presumed to have concurred in the ^{Committee's} suggestions about the Kilpaul Cemetery, writes in his D.O. dated Feb. 8th that he did not think that the Cemetery was properly constructed when ~~Mr. Sharp~~ ^{the Chaplain of Vespary} took over charge of it in accordance with the ~~Rev.~~ ^{Rev.} telling him to do so. The archdeacon also says that he agrees with the view of the Bishop about the Cemetery.

Flag E

It is submitted that the archdeacon may be asked ^{to state what the agreement referred to in para 4(a)} ~~to specify~~ of his letter is and also exactly (with reference to the plan at Flag B) in what respect the Cemetery is incomplete, & when he has done so, the Pres^t Municipal Commⁿ may be asked to state why the Cemetery was handed over in such a state. If necessary the P.W.D. may be asked whether the Cemetery has been properly constructed.

It is submitted that ~~for the~~ ^{the} Committee to ^{re}assemble & to give its opinion would take some time & is unnecessary in the present case

If Govt. decides that the Cemetery is ~~improperly constructed~~, there seems to be no reason why the Municipal should not be called on to remedy this

What has been ascertained is why the Bishop thinks the Cemetery not properly constructed. Ask the Arch Deacon as to this.

Myself

[illegible]

with reference

to the note for orders at-
S, and mens. no. 739
dated 14.3-99, the
Archdeacon reports.

that the Bishop refused to consecrate the new Kilpauk Cemetery because only a portion of the Cemetery is sufficiently well enclosed by a wall & a hedge: & that the remaining portion has little or no protection at all.

2. It now appears that the Bishop's objection did not apply to the here

2. 9/18

although a hedge is not contemplated by the rules, but that it applied to a portion of the boundary which has neither wall nor hedge -

3. In the Committee's report, printed with G.O. no. 41 & dated 6.7.96, it was agreed that a wall was not necessary from A to C & E (that portion being sufficiently protected) (Please see the plan attached to that G.O.) In Arch. Decree was a member of that Committee, & must have agreed to the proposal, but apparently it is the portion from A to C & E, which is now considered to have little or no protection.

4. The plan might be sent to the P.W. Dept., with the request that the existing state of affairs may be marked

103. 19

6P

clearly on it - apparently there is now a wall only from D to E, no hedge along A, B, D. & nothing along A, C, E, which is about half the boundary. The P.W. Dept. might also be asked to report if the hedge is a sufficient protection for the part along which it runs -

Cs
18.3.97
at 20/3/99
21/3/99

(im)

C No 178 - from the P.W. Dept, No 26 D of 15 May 1899

In the last day.

In reply to sub. no 838 dated 24.3.99, the P.W. Dept. has now transmitted a letter from the Consulting Architect dated 9.5.99, from which it appears that a wall has been built on the west boundary of the Kilpale Cemetery from D to E; that along the southern boundary

from A to D. There is a newly planted Horkapilly hedge, 4 feet high, sufficient to keep out cattle, but apparently not close enough to keep out jackals; & that on the east side from A to G. There is an old Horkapilly hedge which is ragged & useless. Nothing is said by the Comy. Architect about the north side. G. to E, but apparently this side too is unprotected. The Comy. Architect does not consider the cemetery fit to be used, as in its present state, graves would be certain to be disturbed by jackals which abound in the locality. He recommends the construction of a wall, ~~on the south~~ on the south, east & north sides, similar to the one now existing on the west side. He

+ the plan says "open - no fence whatever"

estimates the cost of such a wall at Rs. 6000. To fit the cemetery for use, the Comy. Architect further recommends the construction of Vestries on either side of the gateway, & a keeper's house, & the provision of a water supply.

An order might perhaps be now passed stating that the Govt. does not consider the cemetery to be properly constructed, & calling on the municipality to show cause why they should not incur the additional expenditure recommended by the Comy. Architect. They are doubtless bound to make a wall all round the cemetery, but they may defer to the provision of resting rooms & water supply. It would be well to

Point

??

1/2

2213

Cs. Cs.
18/5/98 Please see the previous
note for orders at Flag 8. The
opinion of the Genl. Architect that
the cemetery is insufficiently protected
& that ^{a wall} it should be constructed
right round it may be accepted.
It does not seem to be necessary
that the Committee should be
resummoned as the Archdeacon
proposes.

26/5/99 L. h. n. n. No 1411
29-5-99

A paper is now in circulation as to
the obligation of our Municipalities to
construct buildings and walls round
grave yards - The view taken by it is
that there is no obligation on
Municipal Councils to do more than
find a fitting piece of ground ^{& fence it} - & that
else it seems doubtful what the
Madras Municipality can be called upon

As the humidity is bound to hurt the
10-11 I think when to do so that man

W. E. M. G. W.
W. E. M. G. W.

to build a ~~wall~~
resky forms on Caty
on water. They sh'ld affaively
build a wall to make it
a fitting place for
burial.

MM
Lo. V. 99

Wolff By the Hon Mr. Winterbotham (14)

Note on Kilpatrick Cemetery

This threatens to become a complex and difficult subject, and the line wants to be cleared -

* I cannot make out
that there is any legal
means provided of
enforcing payment - 2

The rules came from the Govt.
of India & I think a ref. should
be made to enquire how payment
of fees is to be enforced in
cases where payment is not
made in advance. Vide
Rule VI
in the under Rule 1 (1) for
a simple grave could not
be insisted on in advance
in a tropical country.

On reconsideration I think
it will be better to wait
until a case of refusal
to pay arises. See below

This threatens to become a complex and difficult subject, and the line wants to be cleared -

2. In Govt. Cemeteries, to which the Ecclesiastical Rules apply, a fee of 8 annas per sq. foot is charged for the ground occupied by each grave -

The fee is leviable over the whole cemetery - Chaplain may remit in cases of extreme poverty. Supposing half of the area can be appropriated to graves this fee alone represents upwards of ^{ten thousand} Rs. ~~20,000~~ per acre. This is exclusive of the heavy fees charged for monuments, which (as they are in general use) wd. in Madras perhaps double the above amount.

3. I see from G.O. $\frac{296 M.}{29.3-87}$

that the President of the
Madras Municipality
claimed these fees as
a consideration for
having to provide
cemetries, apparently
contemplating that the
Municipality should
undertake all expenses
of construction &
upkeep -

But Govt ruled that
the provisions of
Sec 392, requiring the
Commissioners to
provide "convenient &
fitting" places prima
facie (whatever that may
mean) implied that
the new site shd. be
"made over in substitution
for the old one &
subject exactly to the
same terms -"

of the Madras Mun. Act -

to the Gov. 11 29

4. I can find no authority
but this G.O. for holding
that the new cemetery at
Kilpauli is now a
Govt. Cemetery to which
the Ecclesiastical Rules
apply -

Under Sec 413(l) of the
Madras Mun. Act the
Commissioners have power
to make bye laws to
regulate "all matters
connected with the good
order of all places
for the disposal of the
dead" -

I don't know whether
any bye laws under this
section have been
framed?

I can't see how the levy
of burial fees in the new
Cemetery at Kilpauli
can be regarded as
having any legal
sanction -

True
M

5. I see from para 2. of

G.O. 22. Eccl.
26-3-89

That the Kilpauli Cemetery
(19.59 acres) was
Govt. land & that
Govt. made it over to
the Municipality
gratis -

6. This would be no doubt
an equitable ground
for asking the
Municipality to provide
the wall &c -

But on that ground
can we now hold
that the Ecclesiastical
Rules apply to the
Cemetery -²

7. The question as to the
applicability of the Rules
has not been raised
by any one & seems to
have been taken for
granted -

(1) That the
of the Cemetery vests in
Govt -

(2) That the Ecclesiastical
Rules will apply -

(3) That Govt. will
appropriate the fees
charged under these
Rules, which on the
19 acres will bring in
^{nearly} 4 lakhs rupees
before the cemetery is full

I think that Govt. had
better let the question of
the liability of the
Municipality drop,
and undertake the
completion of the
boundary wall &c - from
Provincial funds -

8. But as the site of the
Cemetery was Govt.
property I think the
better course would
have been to treat

1 acre = 4840 sq. ft.
x 9
= 43560 sq. ft.
at 8 annas per sq. ft.
= Rs 21,780 -
Deduct half for paths &c -
= Rs 10,000 -
Double this for fees on
monuments
= Rs 20,000 per acre,
& there are nearly 20 acres -

In G.O. no 34 dated 15-3-89

The Govt. accepted charge of
the Cemetery from the
Municipality & the
it under the
Rules -

That no doubt
we have been
the correct course,
but it would have meant
expenditure from Provincial.
H.S.

But as the land has been
made over to the Municipality.
and is now their property,
such a course could not
now be adopted unless they
were prepared to relinquish
the note further on.
H.S.

But the President has
acquiesced in the
whole Cemetery being
placed in charge of the
Govt Chaplain who
is now in charge. H.S.
21-6-89-

it from the beginning
as a Govt. Cemetery,
simply obtaining
a license for it
under Sec 383 of the

Act - 1889. H.S.
There will then be no
doubt that the
Ecclesiastical Rules
apply, & the income
from fees will amply
cover the cost of
construction & upkeep.

But as I
can see no legal
way of enforcing
payment I apprehend
that difficulties may
arise in collecting
the fees from the
Roman Catholic portion
of the ground
H.S. -
14-6-89 -

I think that if we now raise
the questions as to whether
the burial ground belongs to
Govt or the Municipality & as to
whether the ecclesiastical
rules for Govt. cemeteries apply,
we shall be involved in
still greater difficulties.
As the claim of Govt has
been admitted by the
Municipality since 1889 I
would let this sleeping
dog lie - subject to the
proposal made at the end of this note.

The whole of the present
difficulty has arisen from
the refusal of the Bishop
to consecrate the portion
of the Cemetery ~~intended~~
set aside for the English
Church on the ground
that there ought to be
a wall all round.

The Archdeacon supports
the Bishop.

The Archdeacon forgets
or omits to mention
that he was a member
of the Committee appointed

appointed to make recommendations as to what was needed for the cemetery, that they recommended a certain specified wall to be built, that he signed the report, and that Col. Sir G. Moore reported that the wall had been built (page 3 of E.O. 34 of 15th March 1898).
Archdeacon
Thereupon the ^{Archdeacon} asked Govt for authority to take charge of the cemetery & this was given in the same E.O.

E.O. No 41 of 6.7.96

* This is the wall DE in the Mount Engls plan of 17.4.96.
The Committee said a wall along (the East ^{North} side) ACE was not necessary, but that a wall along the South side ABD might be necessary if the fence "recently set" proved insufficient.

I think the first thing to be done is to invite the Archdeacon's attention to the fact that he signed the report which pronounced a wall on the East & North ACE in plan to be unnecessary, & a wall on the South ABD to be necessary only if the new fence proved insufficient, while the wall from D to E on the West wh. was required has now been built; and ask if he has any further observations to offer.

I do not object but I think he will probably say that the Lord Bishop convinced him of the error of his ways! H.W.
I will not object. 2.9.99 27.6.99

The plan & copies of E.O.s 41 of 6th July 1896 & 34 of 15th March 1898 may

be sent him for reference and return.

The present position seems to be that the Bishop can get anything done he wants by refusing to consecrate!

I do not think that Govt. wd be justified in requiring the M.C. to do anything more to the cemetery. A formal committee sat & the M.C. its recommendations were accepted by Govt & carried out by the M.C.

Under Sec 392 of the Mount Act Govt might have withheld its sanction to the cemetery until such arrangements as it thought fit were carried out. But this sanction was given years ago in 1889.

Under Sec 64 of the Mount Act I suppose Govt. could require the M.C. to do anything by asserting the work was "imposed on them by this Act," but

9 12 31

23 to 32
as the proposed work is
not imposed upon them
by the act, such a course
wt be quite unjustifiable.
Presuming that the Archdeacon
adheres to his present determination
to support the Bishop & throw
over the report he agreed to
signed, the question arises
how ^{are} the walls to be built
wh. the Bishop regards as
a prerequisite to consecration.

As the Muncy. cannot
^{in my opinion}
be required to build them
for the reasons given above,
they must be built out
of Provincial funds.
But to spend Provincial
funds on a Municipal
cemetery seems anomalous.

The suggestion I have
to make is this. Col. Sir G.
Moore will be back at the
end of July, by which
time the Archdeacon
will have replied to the
reference proposed above.

24 33
As the matter is too
complicated to be easily
disposed of by letter,
I wd ask Col. Moore
to run up here for a
few days, and see if
an arrangement can be
made by which the M.C.
will relinquish to Govt.
the portion ~~for~~
~~which~~ or rather two
portions of the cemetery
reserved for the Church

of England. I shall be
happy to discuss the matter with him.
The advantage to the
Municipality will be that
it will have to spend
nothing more upon
these portions, and as the
ground cost them nothing
they will not be losers.
The advantage to Govt.
will be that the Ecclesiastical
rules for Govt.
cemetaries can then
be imposed without

He has in effect agreed to this
already by acquiescing in
the Govt. Chaplain taking
charge of it MS-89-
21-6-89

Church of England

25 34

C 2-8-99 R 3-8-99

C.S. 30

question. The Cemetery after transfer to Govt. wd. have to be registered under Sec 378 of the Act. The legal question of how Govt. is recover. In fact no. have not been prepaid need not be discussed now. We may wait till the difficulty arises. a civil suit wd. probably be the remedy.

By Hon Mr Winterbottom

I don't think a suit wd. lie - The corpse must be buried & can only be buried in the licensed burying place. The use of the ground is then compulsory -

21.6.99.

Further Note by Hon Mr Winterbottom

The Hon Mr. Arundell's suggestion is practically the same as mine except that he would only bring the Protestant portion under the Ecclesiastical Rules -

By Mr the Governor

I do not object to the proposal, but I am inclined to agree with the Hon. Mr. Winterbottom that the whole cemetery should be relinquished to Govt.

27.6.99

To A. Arundell

By Hon Mr. Arundell

In accordance with what I have agreed to the file had better be transferred to Lt. M. for reference to the Archdeacon, and for me to communicate with Col. Moor on his return. I have no objection to the transfer of the whole cemetery to Govt. if the Muny. agree; but they will probably ask for a refund of money spent. 2.8.99.

The grave fee is payable by all sects & denominations.

I adhere to my opinion that the best course is to get the Municipality to relinquish the whole cemetery to Govt. -

Under Part II Rule II note (2) has now been agreed to that no general exemption from the grave fee is permissible; but the Chaplain has agreed to remit the fee on the score of poverty - 21-6-99

L & M. n. a.

3.8.99.

* in accordance with the order on p. 20 above.

H. W. W.

Further note (Arch. Comm. 259) the Archdeacon refers to the reference made to him, calling for his remarks on the fact that he was one of the signatories to the Committee's Proceedings which declared that a wall on the boundary A.C.E. of the Helpdale Cemetery was unnecessary. It seems clear from the Archdeacon's letter that the Committee made no personal inspection of the site, & that they based their conclusion on a plan laid before them at the Municipal office. The Archdeacon has understood in his mind that all the members of the Committee understood that they were consenting to a complete protection round the cemetery, either in the shape of a wall or hedge, & that no one had any idea that any part was

to be left unprotected?
 He says further that he
 does not remember having
 been before. The references
 which the plan now contains,
 showing the state of the different
 portions of the boundary -
 this is not surprising, con-
 sidering that the references
 were entered on the plan
 by the Consulting Architect,
 at the request of Govt, after
 the Cemetery was reported
 to be completed. It is
 submitted that all this
 misunderstanding would
 have been avoided if the
 Committee had taken the
 trouble to make a single
 personal inspection of the
 ground before framing
 their report - they would
 then have seen that there
 was no protection from
 G. to G., & that the hedge
 from A. to G. was an old
 one, "ragged & useless".
 A. with reference to

Yes - of course we
 presumed they had
 done so!
 M.

v. Consulting Architect's letter at Flag H.

Attention is requested to the course proposed
 by the Hon. Mr. Arundel on pp. 23 & 24 above,
 which was approved by St. E. Sir George
 Moore has since been granted an
 extension of leave up to Sept. 4th
 Please see also the linked file in
 which the Pres^t. Modras Municipality
 has requested the sanction of Govt.
 to close the St. Mathias Church
 Mission Burial Ground Parasawabam
 & the R.C. cemetery of the Church
 of the Lady of Purification Mirasahpet
 as both are overcrowded. These
 cemeteries are to be superseded by
 the new cemetery at Kilpauk, but
 the latter will not be available until
 the present question is decided.

a &
 31/7/99.

The proposal now stands this -
 Govt. to take over the
 cemetery. In that case. Pres^t.
 will have to find funds to
 build the wall which it is
 planned to build.

1/8/99

NOTE FOR THE

Chief Clerk.

The Hon. Mr.

Arrived in his last
note of 2.9.98, direct
that the file should be
transferred to L. & M. "for
the reference to the
Archdeacon, & for me
to communicate with
Col. Moore on his return"

2. The H. M. has
apparently overlooked
the fact that the refer
to the Archdeacon order
by the H. M. has already
been made in Seels.,
& that the Archdeacon's
explanation has been
obtained. Further, the
Committee has already
been handed over to
Govt. by the Municipal
& the Seels. Dept. has
taken charge of it, - please
see So. No. 34 Seels. of 15.3.
& papers printed therewith
in So. No. 110 Seels. of 2.9.9.
an establishment for

Yes. I did not
know it had been
made & have ^{only} now
seen the reply.

MA

517 R 4 12 97

the cemetery was nominated from Provincial funds under the Ecclesiastical Rules, & the Archdeacon was told that the Chaplain of Vepery must take charge of the whole area, including the portions set apart for other denominations.

The further note (p. 26) was marked C. 6. 8. "H. M. + Co." but has only been circulated to the Hon. Mr. Arundel.

ale
3/9/99
?

Lie on.
1/14/81

H. M.

Recirculated.

C. 10.10.99
19.10.99

1/14/81

Let me have the file when Govt returns to Madras & I will see Sir C. Moore about the matter. The Chaplain has "taken charge" of the cemetery, but no formal relinquishment or transfer seems to have been made by the M.C. to whom the land was given. If the cemetery is now to be regarded as a public one not provided by the Mun? under Sec 392, a license must be obtained for it (by the Chaplain) under Sec. 383 from the President & this apparently has not been done or thought of.

11. 8. 99.

After talking the matter over with Col. Moore I wrote him the 20. of 28. 11. 99. of wh. copy is below

Col. Moore's reply to my letter is attached.

It is unnecessary to go into the question of the actual ownership of the land forming the Kilpauk cemetery, or as to whether it should "revert to the Mun?" in the improbable event of its being no longer used as a cemetery.

The main point is that the Muny. has provided a cemetery & has handed it over to an officer - the chaplain - appointed by Govt. to receive & take charge of it, and is now only concerned to see that the responsible officer does what he is bound to do. Thus there is no question as to the Mun? claiming to levy or to share fees for burials. Thus far the ground is cleared.



In para 9 of E.O. 91 Ecc. 27th Nov. 1895 the Pres. was requested to build a wall round the cemetery. But in the same E.O. a committee was appointed to report on certain other points.

The Committee recommended a wall not entirely round the cemetery, but ~~in~~ along two sections of its boundary (D to E and A.B.D in the plan). Govt. approved the recommendations of the Committee, ~~and~~ (para 1 of E.O. 41. Ecc. 876th July 1896) and thus modified its previous order of 1895. The walls recommended by the Committee were built & the cemetery was handed over to the Chaplain under E.O. No. 34 Ecc. 87 15th March 1898.

In my opinion there can be no doubt that the additional wall now desired by the Bishop & the Archdeacon should be built by Govt. out of Provincial funds.

At 1.12.99.

para 7 of its report
ptd in E.O. 41 Ecc. 876/7/96

Dr. only was

Dr. J. H. M.

Am. Mr. Winterbottom
W.E. M. En?

W. H. M.

I agree -
This is what I recommended at
page 18 - 14.12.99 -
I agree. 14.12.99

42

188

My dear Moore,

With ref. to our conversation about the Kilpauk cemetery, I have been through the file again, and should be glad if you will ^{let me know about} ~~ask me~~ on the following points.

1. I understand that the Mun? having handed over charge ^{to the chaplain} of the cemetery wh. was provided under Sec 392 of the Mun. Act, regards the cemetery as no longer its property but the property of Govt. ^{Is this so?} ~~Am I right in saying?~~
2. If this be the ^{case}, the chaplain ^{in charge} ~~on behalf of~~ Govt. ought to have taken out a license from you under Sec 383. Has he done so? If not, will you issue the license?

3. I understood you to say that the hedge on the East & north (ACE in plan) the existence of wh. ~~was~~ led the Committee to say that no wall was necessary there, was removed ~~by~~

or under a misapprehended order of Mr Sharp (the Chaplain)

to the gardeners: ~~in~~ Mr Sharp directing the removal of certain palm trees or other trees, while the gardeners removed the hedge as well. What were the facts as you were able to ascertain them. The ~~removal~~ ^{absence} of the hedge was ~~was~~ obviously the reason that led the Bishop to refuse to consecrate.

At 28.11.99

I enclose the plan wh. please return for reference.

29.11.99
My dear Arnold

46 29th Nov 1899
19P
1. I do not go quite so far as to say the Cemetery is no longer Municipal property - but I consider that having handed it over to the responsible authority, all I have to do is to see "That those who are responsible do what they are bound to do" (G.O. to 296 M. Local and Municipal dated 29th March 1897)

The question as to property has never been raised. When the Burial Ground ceases to be a Burial Ground, I should say the land was the property of the Municipality, in the same way that all land granted by Govt. for a certain purpose, reverts when no longer utilized for that purpose.

2. Before the Cemetery can be used for Burial purposes, the Chaplain in charge will have to regular it - paying a fee of £10 - until then it cannot be used.

46

3. On my asking the Archdeacon what the delay in opening the Cemetery was due to, he informed me that the Bishop refused to consecrate it as there was no wall from C to E ^{16th Sept. at noon up to}

Yatou went to the Cemetery and found that the hedge from C to E had been removed. I called for a report and received the following from the Registrar: "On our inspecting the Bishop's Cemetery this morning (17.10.99) the hedge on the Northern side was found to be removed, and our surveying gardener Nathaniel informed us that the Thorny shrubs which formed the hedge, being obnoxious, was ordered by the Chaplain to be removed, with the object that the demarcation should fix up the boundary of the ground may be clearly visible."

I forwarded this to the Archdeacon, who,

47

in reply, sent me a report from Mr. Sharp. In effect that there had never been a hedge - that there had been some Thorns, but such as would never have made a hedge or have afforded any protection - but that special cookies had been employed to clear the Cemetery after the visit the Archdeacon and the Bishop's Chaplain paid to it on the 7th January 1899

I return the plan forwarded with some letters under reply

Yours sincerely
J. Moore

Col. Moore informs me that the Committee including himself inspected the cemetery before writing their report. See also para 1 of the Report in E.O. 41 Ecc. 6th July 1896.

^{18th Sept.}
Col. Moore also tells me that Sir H. B. is

48

inspected the cemetery with himself
the Committee had reported, I was
fully satisfied that the recommendations
were sufficient. The Mun. also sold some
manages on behalf of the Chaplain & paid the amount
29. 11. 89. Rs 47-14 to the
Chaplain, Mr Sharp.

58

NOTE FOR THE *Assembly*

In connection with the Kilpatrick Cemetery file, Hon. members remarked that there was no provision of law to enforce payment of cemetery fees. There by accident came upon the papers below, which show that the question was raised on a former occasion, & that the Gov. of India was of opinion that in the last resort a civil suit might be instituted. If the C.S. approves, these papers might be kept with the Kilpatrick Cemetery file, & brought to the attention when the file is submitted to him as matter.

+ What do not the indices show these papers. If so why did not the reference put them up?
H. H. H.

Wm. H. H.

C.S.
19.7.99.
C.S.
also
19/8/99.

NOTE FOR THE Asst. Sec.

With reference to the Ch. Sec's remarks on the margin of the note below, it is respectfully submitted that the question of the means to enforce payment of cemetery fees was nowhere raised in the currents on the subject of the Kilpatrick Cemetery. In making up the file therefore, the reference did not look for papers on this particular point. Mr. Hon. Mr. Winterbottom raised the question in his notes, but the Hon. Mr. Arnold said that it had better not be discussed at present. Papers on the subject were therefore not called for.

Subsequently, in looking through the Special index with another object in view, I came upon the entries regarding cemetery fees.

as I thought that the papers
would be useful when
the Kilpauk Cemetery file
came under discussion again,
I called for & submitted
the papers.

Cu
22-5-99
C.S. The above ~~of~~ ~~the~~ ~~may~~ be
accepted.
at
23/5/99. *Mr. Russell*

Kilpauk Cemetery

SECRETARY
Ecclesiastical
GOVERNMENT OF MADRAS
1899

W. G. No 34 Eccl. of 15-3-98. = P.
T. " 110 " " 2-9-98 = p of both etc with A. of order.

II C No 82 from Ven the Archdeacon - No 4936 4/22-2-98.
G. Endt No 739 of 14-3-98. Eccl.
III " 119 from ^{Dr. R. Endt 838 Eccl. of 21-3-98.} ^{Dr. R. Endt 838 Eccl. of 21-3-98.} " 4989 " 17-3-98.
H " 178 " ^{The Consult. Architect - " 473 " 9-5-98.} ^{I Endt 1719 Eccl. of 11-7-98.}
IV " 259 " The Ven the Archdeacon " 5218 " 24-7-98.

Order 174 of 26-12-89.
P.S.

P.W.D. for C-2.

Mr. Russell

Note
Printed in G.O. No. 41, Eccl., dated
6th July 1896.

It now appears that the Rt. Rev.
the Bishop considers that further
protection is necessary before
the Cemetery can be consecrated
Under -

The Municipality cannot
reasonably be called upon
to bear the cost involved
in the construction of
provision

In G.O. No. 91, Eccl., dated 27th
November 1895 a Committee was appoint-
ed by Govt. to ^{consider the question of} apportion the new Kil-
pauk Cemetery among the various reli-
gious bodies of Madras, and the Presi-
dent, Madras Municipal Commission, was
requested to build a wall around the
cemetery. In the report of ^{the} ~~that~~ Com-
mittee, ^{submitted} ~~dated~~ 23rd April 1896, it was
stated that certain portions, only,
of the cemetery required a wall. The
former order was, therefore, modified and
the President of the Municipal Commis-
sion have ^{ing} ~~accordingly~~ caused a wall
to be constructed in the parts indicat-
ed by the Committee, the Cemetery was
formally taken over in charge by the
^{local chaplain} Venerable the Archdeacon, acting under
G.O. No. 54, Eccl., dated 15th March
1898.
Under these circumstances His
Excellency the Governor in Council
considers that the additional ^{protection} ~~protection~~
desired by the Rt. Revd. the
Bishop and the Venerable the Archdeacon

(and)

as I thought that the time

was

it must, therefore, be supplied at the expense of Govt.

53

2. An estimate of the cost of the work now required will, accordingly, be prepared in the Public Works Dept. in view to its early completion and the consecration of the Church of England portion of the Cemetery. The enclosed sub. (from Orders)

16/11/88

W. J. P.

11.12.88

Despatched 12-1-1890

It is respectfully submitted that the Archdeacon has not asked for a wall, but only for proper protection. He seems to be satisfied with the hedge from A to D.

To the Vm the Archdeacon, Madras
" " Rt Rev the Bishop of D.
" " President, Mel Commn, D.
" " L & M Dept.
" " RWD Dept (with plan)

Hence it seems unnecessary to spend so much Prov. money as a wall would cost. The hedge might be completed and given a fair chance.

R. J.
14-12-88

Resolving that to Press the notes may also be printed on yellow. Bring the 100 time for printing instructions. JWS 14/12

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No. 189

DATED

18

CURRENT No.

Print as marked & show proof of the notes to be printed on yellow paper 16/12/88

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

AGREEMENT WITH DITTO

NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

Print in full.
Not to be printed.
Print abstract only.
Print heading only.