MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 786	Press Mis.
-45-	
Dated 7-6.	1859

Not to be folded or roughly handled

No. [illegible]

EXTRACT from the Proceedings of the Government of India, in the Foreign Department, under date the 10th May 1839.

No. [illegible]

From

C. BEATSON, Esquire,

Sup. in the Cent. of Jails,

To

R. H. DAVIES, Esquire,

Sup. in the Cent. of Bengal, &c.

&c. &c.

Dated Fort William, the 10th May 1839.

I am directed by the Governor General in Council to acknowledge the receipt of your letter No. 174, dated the 28th February last, submitting for an expression of the views of the Government of India, a correspondence relative to the admission of Missionaries to Jails

2 It appears that in August 1838, Mr. R. H. Stevenson, on behalf of the American Missionaries at Seetkote, enquired of the Deputy Commissioner there (Mr Prinsep) "whether there was any objection to their visiting the Government "Jails for the purpose of talking with the prisoners and extending among them "the knowledge of Christianity." Mr Stevenson stated his belief, that in the Central Jail at Lahore, the Gospel had in some instances been conveyed to the prisoners by oral teaching, and by the aid of Christian books and tracts, and that the latter had recently been placed within the reach of the prisoners at Goojeranwallah. He asked therefore whether the Missionaries might have "access at fixed hours to "the Seetkote Jail," and expressed their readiness, if permitted, "to embrace so "good an opportunity of proclaiming the Gospel among men who, from their circ "cumstances, might be disposed to listen and profit by it."

3 Mr Stevenson also asked whether the Missionaries could have permission either to raise a Chabootra "(or masonry platform) near the Cutcherry, for "the purpose of preaching to the hundreds of idle men who are daily congregated "there," or "to preach within the Government enclosure without a platform"

4 On the 7th November, Mr Prinsep forwarded Mr. Stevenson's letter to the Commissioner (Mr Cust) for orders, stating that he saw no objection in either case to grant the permission asked for, but the Commissioner, on the 16th November, promptly refused permission, observing that the practice of admitting Missionaries to preach to the convicts had been introduced in the Lahore Central Jail, and in other parts of the Lahore Division

5 On the 30th January, however, Mr Cust submitted the correspondence for the perusal of the Judicial Commissioner, observing that when employed as a Revenue Officer in the North-Western Provinces, he (Mr Cust) had been in the

habit of admitting Missionaries to his Jail, but that after late events, he now thought the practice one which could no longer be permitted

6. On the 26th January, the Judicial Commissioner (Mr. Thornton) submitted the papers to the Lieutenant Governor, observing that though he considered the compulsory attendance of a Mahomedan or Hindoo Convict at the preaching of a Christian Clergyman, yet he questioned the justice of entirely excluding Missionaries from the Jail, and so preventing the convict from receiving religious advantages which he might be willing to accept. Mr. Thornton recommended that Missionaries should be allowed to visit the Jails and to preach to such, and such only of the convicts as might wish to hear them

7. The subject was then referred by the late Lieutenant Governor to the Financial Commissioner (Mr. Mcleod) who, on the 21st February, reported that so far as other gentlemen are allowed to enter the Jails and converse with the prisoners, Missionaries might be allowed to do so; but that under the existing orders of Government, no special opportunities could be afforded to Missionaries, as this would commit the Officers of Government, in their official character, to a recognition and facilitation of Missionary efforts. Mr. Mcleod, however, expressed his opinion that in declining to afford a Missionary the opportunity of communicating religious instruction to a convict, especially a Mussulman, the Government is responsible for withholding the Gospel from him, and that the opportunity of proceeding to discuss the question whether neutrality in religious matters is a position which a Christian Government can maintain in India or not, and to declare his opinion that while carefully abstaining from every thing like force, constraint, or inducement by way of reward, with a view to proselytism, the Government should avow and evince a preference for the Christian religion

8. In your letter under reply, the late Lieutenant Governor has expressed his opinion that the exclusion of Missionaries from Jails would not be an act of neutrality, but rather the creation of a disability that Missionaries should be allowed to visit Jails like other persons; that prisoners should not be "exempted" any more than free natives, from the liability to hear the Gospel preached, and that the fear which the Natives entertain is not of Missionary persuasion, but of forcible or fraudulent conversion. His Honor therefore proposes that Missionaries should be allowed, as they have been occasionally allowed heretofore, free entry to the Jails at certain hours, and the free exercise of their proper functions, subject to any precautionary rules it may be advisable to make.

9 The Lieutenant Governor would not allow the Missionaries to erect a platform for preaching near the Cutcherry, thinking it sufficient that they are at liberty there or elsewhere to preach to the people

10 The Governor General in Council cannot concur in the view taken of this question by Sir J. Lawrence, and by the Judicial and Financial Commissioners of the Punjab

11. The chief arguments by which the admission of Missionaries to preach in Jails is supported seem to be, *first*, that as all gentlemen are allowed to visit Jails, Missionaries ought not to be shut out. On this, His Excellency in Council observes that there is no right on the part of any stranger to visit a Jail, and that although in practice all gentlemen are let in, this is done, not in order that they may there exercise their calling, whatever that may be, but that they may see for themselves how the Jail is conducted. The Jail too benefits by such public inspection. To the entrance of a Missionary upon this footing there is no objection, and if he be allowed to him, no injustice will be done to him, as compared with others.

12 It is next contended that, as all Natives when free are liable to hear the Gospel preached, it is not fair to exclude them from this advantage because they are in Jail. On this, I am desired to remark, that if a man is free, he hears the preacher only when it pleases him; and that if, being in Jail, he should desire to do so, it would be quite right to admit a preacher to him individually. In the case of a Christian prisoner this would be done, as a matter of course, under such rules as prison discipline may prescribe, and should the case occur of a prisoner who is not a Christian, desiring to hold intercourse with a Christian teacher, his wish should not be refused. But this is a very different thing from giving to Missionaries free access to Jails, and allowing them to preach to whomsoever they choose.

13 In the opinion of the Governor General in Council, it is idle to talk of prisoners as free agents, even in the matter of listening, and even though (as is asserted in your letter under reply) they are not to be collected together by guards to hear the preaching, or to have assent to the preacher's doctrine forced upon them, an earnest Missionary, whose zeal would deserve nothing but praise and admiration if exercised upon men as free as himself, could not be trusted so to measure his action as to abstain from forcing himself upon those who might desire to escape from him, but who would be unable to do so; and to watch his proceedings through any officer of competent authority, would be impossible

14 His Excellency in Council cannot easily imagine a step more likely to be understood by natives as belying our profession of neutrality in matters of religion, than the sanctioning of the practice which is here recommended It would be impossible to deny that, in adopting that practice, we were turning the machinery of Justice and Civil Government to religious purposes. It is still truly believed that we have made such natives, and have ordered them to be confined in order to convert them. It will not do to give a handle to the supposition that we sentence them to imprisonment in our Jails for the same purpose, under the pretence of administering justice

15 I am therefore directed to state for the information of the Lieutenant Governor and for general guidance, that the admission of a Missionary to a Jail for the purpose of preaching is not to be permitted, unless when a prisoner makes a request for the presence of one. I am to add, that the practice advocated in

these papers is not in accordance with the principle of neutrality in matters of religion, which the Government will observe in all its measures, and which it will require its servants to observe in all their official acts.

16. The Governor General in Council entirely approves of the late Lieutenant Governor's intention to prohibit the Missionaries from erecting a platform for preaching in the Cutcherry premises.

17. In conclusion, I am desired to annex in the margin copy of a despatch on this subject, addressed by the Hon'ble Court of Directors to the Government of Madras, No. 6, dated the 2nd April 1845, and to remark that the question relating to the policy of Government in matters connected with religion has been very unnecessarily raised in connection with the subject in hand, and that it is singularly unbecoming in officers in the position of some of the writers who have taken part in the correspondence, to advocate and maintain views on this most important and delicate subject so directly opposed to the strong and lately reiterated commands of Her Majesty's Government. The Governor General in Council desires that the practice of originating remarks and raising and publishing discussions on subjects of general policy, a practice which has been of late indulged in by subordinate executive officers in some parts of India, and which has been too easily tolerated by the local administration, may be entirely discouraged and repressed.

I have, &c.
Signed C. BEADON,
Secy to the Govt of India.

Ordered, that a copy of the above letter be sent to the Home Department, for information and communication to the local Governments.

Signed E. BIRDWOOD,
Under Secy to the Govt of India.

Copy forwarded to the Governments of Bengal, Fort St. George, North Western Provinces, Bombay, and the Straits' Settlements, for information and guidance.

Home Department, }
the 16th May 1845. }

By order,

Under Secy to the Govt of India.

JUDICIAL DEPARTMENT

No. 6 of 1845.

From the Secretary to Government of Fort St. George,

To the Secretary to the Government of India, Judicial Letter dated (No. 30) 1844.

We approve of the instructions issued by you on the occasion [illegible]

[illegible] from which Christian preachers may be desirous of having excluded by them, and trust that it is not desirable that [illegible] should, without necessity, be brought under the notice of the public generally.

Fort St. George, the 2nd April 1845.

We have, &c.
(Signed) J. CHERMSIDE,
and seven Members.

3

I entirely concur in the views taken in this excellent Letter and recommend that a copy of it be sent to our Resident at Vizagapatam with an intimation that we attach the same views of this important and delicate subject as the Supreme Government, and that he will be expected to follow the line indicated in it and to conduct himself in accordance with the instructions upon those matters and his influence. The Government should be informed circumstances [illegible]

these papers is not in accordance with the principle
religion, which the Government will observe in all its

No. 1017

EXTRACT from the Proceedings of the Government of India, to the Foreign Department, under date the 30th May 1839.

No. 1096

From C. BEATSON, Esquire,
Secy. to the Govt. of India,

To H. H. DAVIES, Esquire,
Secy. to the Govt. of Bengal, &c.

Dated Fort William, the 30th May 1839.

I am directed by the Governor General in Council to acknowledge the receipt of your letter No 174, dated the 28th February last, submitting for the expression of the views of the Government of India, a correspondence relative to the admission of Missionaries to Jails.

2 It appears that in August 1838, Mr. E. H. Stevenson, on behalf of the American Missionaries at Loodiana, enquired of the Deputy Commissioner there (Mr Prinsep) whether there was any objection to their visiting the Government Jails for the purpose of talking with the prisoners and extending among them the knowledge of Christianity. Mr Stevenson stated his belief, that in the Central and Lahore Divisions, the request had in some instances been conceded to the principle by establishing within the walls of Christian books and tracts, and that the Jail had recently been placed within the reach of the prisoners at Goojeranwallah. He asked therefore whether the Missionaries might have "access at fixed hours to the Native Jail" and expressed their readiness, if permitted, "to endeavor to "avail themselves of the opportunity of preaching the Gospel among men who, from their circumstances, might be disposed to listen and profit by it."

3 Mr Stevenson also asked whether the Missionaries could have permission either to erect a Chabootra (or common platform) near the Cutcherry, for "the purpose of preaching to the Hundreds of idle men who are daily congregated "there," or to preach within the Government enclosure without a platform"

4 On the 9th November, Mr Prinsep forwarded Mr. Stevenson's letter to the Commissioner (Mr Cust) for orders, stating that he saw no objection in either case to give the permission asked for, but the Commissioner, on the 10th November, promptly refused permission, observing that the practice of admitting Missionaries to preach to the convicts had been interdicted in the Jullundur Jail, and in other parts of the Lahore Division.

5 On the 30th January, however, Mr Cust submitted the correspondence for the perusal of the Judicial Commissioner, observing that when employed as a Judicial Officer in the North-Western Provinces, he (Mr Cust) had been in the

habit of admitting Missionaries to his Jail, but that after late events, he now thought the practice one which could no longer be permitted.

6 On the 26th January, the Judicial Commissioner (Mr. Norton) submitted the papers to the Lieutenant Governor, observing that though he considered the compulsory attendance of a Mahomedan or Hindu Convict at the preaching of a Christian Clergyman, yet he agreed with the justice of entirely excluding Missionaries from the Jail, as he apprehended the amount of the religious advantages which he might be willing to accept. Mr. Thornton therefore recommended that Missionaries should be allowed to visit the Jails and to preach to such, and such only of the convicts as might wish to hear them.

7. The subject was then referred by the late Lieutenant Governor to the Financial Commissioner (Mr. Melvill) who was the 31st February, reported that so far as other gentlemen are allowed to enter the Jails and converse with the prisoners, Missionaries might be allowed to do so, but that under the existing orders of Government, no special opportunities could be afforded to Missionaries, as this would commit the Officers of Government, in their official character, to a recognition and facilitation of Missionary efforts. Mr. Melvill, however, expressed his opinion that in declining to admit a Missionary the opportunity of communicating religious instruction to a convict, especially a life convict, the Government is responsible for withholding the Gospel from him, and that the opportunity of proceeding to secure the question whether neutrality in religious matters is a position which a Christian Government can maintain in India or not, and to declare his opinion that while carefully abstaining from every thing to indicate constraint, or inducement by way of reward, with a view to proselytism, the Government should show and evince a preference for the Christian religion.

8. In your letter under reply, the late Lieutenant Governor has expressed his opinion that the exclusion of Missionaries from Jails would not be an act of neutrality, but rather the creation of a disability that Missionaries should be allowed to visit Jails like other persons, that prisoners should not be compelled any more than free natives, from the liability to hear the Gospel preached, and that the fear which the Natives entertain lest any of Missionary persuasion, but of forcible or fraudulent conversion. His Honor therefore proposes that Missionaries should be allowed, as they have been usually allowed hitherto, free entry to the Jails at certain hours, and the free exercise of their proper functions, subject to any precautionary rules it may be advisable to make.

9 The Lieutenant Governor will not allow the Missionaries to erect a platform for preaching near the Cutcherry, thinking it sufficient that they have at liberty there or elsewhere to preach to the people.

10 The Governor General in Council cannot assent to the view taken of this question by Sir J. Lawrence, and by the Judicial and Financial Commissioners of the Punjab.

11. The chief arguments by which the admission of Missionaries to prisons in Jails is supported seem to be, *first*, that as all gentlemen are allowed to visit Jails, Missionaries ought not to be shut out. On this, His Excellency in Council observes that there is no right on the part of any stranger to visit a Jail, and that although as practical and gentle men are let in, this is done, not in order that they may there exercise their calling, whatever that may be, but that they may see for themselves how the Jail is conducted. The Jail too benefits by such visits of inspection. To the entrance of a Missionary upon this footing there is no objection, and if he will work in this, no injustice will be done to him, as compared with others.

12. It is next contended that, as all Natives when free are liable to hear the Gospel preached, it is not right to exclude them from this advantage because they are in Jail. On this I am desired to remark, that if a man is free, he hears the preacher only when it pleases him, and that if, being in Jail, he does not desire to do so, it would be quite right to admit a preacher to him against his will. In the case of a Christian prisoner this would be done, as a matter of course, under such rules as give a discipline may prescribe, and should the case occur of a prisoner who is not a Christian, desiring to hold intercourse with a Christian teacher, his wish should not be refused. But this is a very different thing from giving to Missionaries free access to Jails, and allowing them to preach to whomsoever they choose.

13. In the opinion of the Governor General in Council, it is idle to talk of prisoners as free agents, even in the matter of listening, and even though (as is contended in your letter under reply) they are said to be collected together by compulsion to hear the preaching, and to have assent to the preacher's doctrine forced upon them, as can not Missionary, whose zeal would deserve nothing but praise and whose motives of conduct appear as free as himself, could not be trusted not to overstep the bounds of propriety in pressing himself upon those who might fain be escape from him, but who would be unable to do so, and to watch his proceedings through any officer of competent authority, would be impossible.

14. His Excellency in Council cannot easily imagine a step more likely to be misconstrued by natives as helping our professions of neutrality in matters of religion, than the sanctioning of the practice which is here recommended. It would be impossible to deny that, in adopting that practice, we were turning the machinery of Justice and Gaol Government to religious purposes. It is frankly avowed that we have made men as Hindu, and have ordered them to undergo penance in order to convert them. It will not do to give a handle to the supposition that we entertain these designs against men in our Jails for the same purpose, under the pretence of administering justice.

15. I am therefore directed to state for the information of the Lieutenant Governor and for general guidance, that the admission of a Missionary to a Jail for the purpose of preaching is not to be permitted, unless when a prisoner makes a request for the presence of one. I am to add, that the practice advocated in

these papers is not in accordance with the principle of neutrality in matters of religion, which the Government will observe in all its measures, and which it will require its servants to observe in all their official acts.

16. The Governor General in Council entirely approves of the late Lieutenant Governor's intention to prohibit the Missionaries from erecting a platform for preaching in the Cutcherry premises.

17. In conclusion, I am desired to annex in the margin copy of a despatch on this subject, addressed by the Honble Court of Directors to the Government of Madras, No. 6, dated the 2nd April 1845, and to remark that the question relating to the policy of Government in matters connected with religion has been very unnecessarily raised in connection with the subject in hand, and that it is singularly embarrassing to officers in the position of some of the writers who have taken part in the correspondence, to advocate and maintain views on this most important and delicate subject so directly opposed to the strong and fairly enforced [illegible] of Her Majesty's Government. The Governor General in Council desires that the practice of originating remarks and ruling and prolonging discussions on subjects of general policy, a practice which has been of late indulged in by subordinate executive officers in some parts of India, and which has been too easily tolerated by the local administration, may be entirely discouraged and repressed.

I have, &c.,
(Signed) C. BEADON,
Secy to the Govt of India.

Ordered, that a copy of the above letter be sent to the Home Department, for information and communication to the local Governments.

(Signed) H. MYERS,
Under Secy to the Govt of India.

Copy forwarded to the Governments of Bengal, Fort St. George, North-Western Provinces, Bombay, and the several Settlements, for information and guidance.

Home Department,
the 31st May 1845.

By order,

Under Secy to the Govt of India.

Judicial.

Proceedings of the Madras Govt.

Read Endorsement in the Home Dept of the Govt of India on their Proceedings, noting Copy of Letter 10th May 1859 No 2526 ——— Date 16th May 1859 No 991

Read also Minute by the Governor ——— 1 Paper.

Order thereon ——— 2 Papers.

To the above endorsement, the Govt of Madras forward copy of a letter, 10th May 1859, No 2526, addressed to the Govt of Bengal, containing expression of their views on the subject of the admission of Missionaries into India.

2 Resolved that a copy of the letter be given to the Governor General

of Jails, with the in-
timation that the
Board the Governor
in Council take the
same mine of this im-
portant Subject sub-
ject to the Superintendant
Mr. Aylesworth will here-
after be directed to follow the line
of conduct prescribed,
& to investigate & re-
port officers in his de-
partment.

Ordered that the fol-
lowing letter be de-
spatched to the Bank
of Indiana

The Inspector General of Jails &c &c &c

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