Archives I—10,006—16-8 77.

(1) Number of pages 16

(2) Date of repair 1-87

(3) Initials of the Referencer Lenag

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W. DEPARTMENT

G.O. No. / B.P. No.	1848 W	Press. / Mis.
Dated	14.7.1879	~~197~~ .

Not to be folded or roughly handled

D.D.

1848
1

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

14th July 1879, No. 1,848 W.

Buildings and Roads.
Civil Works.

Read the following paper :—

No. 83. Endorsement of the Officiating Chief Secretary to Government, Ecclesiastical Department, dated Ootacamund, 30th June 1879, No. 1,314.

From the Right Reverend Doctor S. FENNELLY, Bishop and Vicar Apostolic of Madras, to the Chief Secretary to Government, dated Madras, 27th June 1879, No. 19.

P. W.

I HAVE the honor to acknowledge Proceedings of Government, ~~Ecclesiastical~~ Department, dated 17th May 1879, No. 1,402, communicating Major Conway-Gordon's letter to the Joint Secretary to Government, Public Works Department, dated Chepauk, 25th April 1879, No. 10 B.

2. In paragraph 2 of his letter Major Conway-Gordon points out the desirability of at once fixing definitely the "relations between Government and the various churches throughout the country." I will meet his wishes as far as I am able to do so. I will first deal with the Roman Catholic churches under my own jurisdiction, with which the Government have any concern. They are five in number—

(1) The Church of Saint Mary of Angels in Madras,
(2) The Church of Saint Patrick at Saint Thomas' Mount,
(3) The Church of Saint John the Baptist at Poonamallee,
(4) The Church of Saint Francis Xavier at Pallavaram, and
(5) The New Military Church at Bellary.

3. In the 4th paragraph of his letter Major Conway-Gordon states that "there is no doubt (excluding the value of gratuitous labor) that Government contributed one-half of the original cost of Saint Patrick's Church at Bangalore." He adds "under the rules, therefore, the church is the property of Government." From this doctrine I am compelled to dissent. It is not in conformity with equity or justice, and is true *in fact* only on the supposition that the part proprietors of the church forego their rights as part proprietors. This claim of sole proprietorship of churches to the erection of which Government made a building grant-in-aid was unheard of in this Presidency before the publication of Lord Dalhousie's Resolution, dated 28th February 1856. Paragraph 12 of the resolution runs thus :—"The Governor-General in Council observes that the practice heretofore in regard to the erection and repairs of places of worship for the Roman Catholic soldiery has been to sanction grants in aid of the erection of such buildings on condition that they shall be reasonable as Government property, and to repair them, wherever they have been sanctioned, at the expense of Government. His Lordship in Council is pleased to determine that this practice shall be continued until further orders." The Madras Government in Proceedings, dated 28th April 1856, comments on the passage just quoted in the following words :—"Paragraph 5. It is observed that the practice which obtains in Bengal in regard to the erection and repair of places of worship for the Roman Catholic soldiery does not appear to have hitherto obtained in the Madras Presidency. It will however in future be an established rule that grants in aid of the erection of Roman Catholic churches or chapels shall be sanctioned only on condition that they shall be reasonable as Government property, such buildings being maintained in repair

at the expense of the State." The rules on which Major Conway-Gordon relies had no force in the Madras Presidency before 1856, and have no application to churches built with Government grants-in-aid prior to that year. Saint Patrick's Church in Bangalore was built in 1845 or 1846, long before the Resolution of Lord Dalhousie. I believe all the Roman Catholic churches in this Presidency that were built with a grant-in-aid from Government were erected prior to 1856. I am not aware of a single church erected with the help of a Government grant-in-aid since the publication of Lord Dalhousie's Resolution.

4. Another point deserving of consideration in Lord Dalhousie's Resolution is that the *total* cost of repairs of the aided churches was to be borne by Government. When Government claimed the property, they undertook the duty of keeping their property in repair. To determine whether Roman Catholic aided churches are reclaimable as Government property it is necessary to attend to the date on which Government aid was granted. Those aided before 1856 are not Government property; if aid was given after that date, it was given on the understanding that the churches shall be resumable as Government property, and in each case Major Conway-Gordon may say without contradiction "under the rules, therefore, the church is Government property."

5. I now proceed to determine the relations of the five churches above mentioned with the Government.

(1.) *The Church of Saint Mary of Angels in Madras.*—This church was built by the Capuchins in 1785. It was enlarged and improved in 1836 by the Right Reverend Doctor O'Connor, the first Vicar Apostolic of Madras, at a cost of Rupees 20,700, the Government contributing one-third of the money in consideration of the accommodation given in the church to the Roman Catholic Troops in Fort St. George. The troops have been ever since and are still accommodated in the church, which has been several times repaired without any expense to Government. The future relations of this church with Government will depend upon the Government Orders on my letter to the Chief Secretary to Government, dated 3rd March 1879.

(2.) *The Church of Saint Patrick at Saint Thomas' Mount.*—This church was built in 1841 at a total cost of Rupees 8,000, of which 3,000 were paid by Government as a grant-in-aid. It is still used by the Roman Catholic soldiers of the station, for whose accommodation it was originally built. The ruling of Lord Dalhousie with the conditions as to proprietorship was accepted by my predecessor in regard to this church; the building has been regularly repaired by the Government since 1856. I have been called upon recently under the rules of the Public Works Department to contribute to the repairs of the church, and I respectfully declined to do so. I see no reason why I should contribute a single farthing towards the up-keep of a church for the Catholic soldiers at the Mount. It is the duty of Government to provide church accommodation for the Catholic soldier as is done for his Protestant comrade. The church was built solely for the use of the soldiers and is used solely by them, and a few Roman Catholic servants attached to the station. Instead of calling upon me to contribute to the repairs of this church, the Government should rather refund to me the Rupees 5,000 contributed by the Catholic Mission of Madras in 1841 towards the erection of the building.

(3.) *The Church of Saint John the Baptist at Poonamallee.*—This church was built in 1840 and enlarged in 1848. The total cost of the original building and the additions in 1848 was Rupees 2,900, of which Government paid Rupees 1,400. Since the publication of Lord Dalhousie's Resolution the church has been regularly repaired at the sole cost of Government. The same remarks that have been made above in regard to Saint Patrick's Church at Saint Thomas' Mount apply to this church also. The church was built solely and entirely for the use of the soldiers. There is no Civilian congregation to share the church with the soldiers or to bear a part of the cost of its maintenance. Let the Government call it their own (although the Catholic Mission spent Rupees 1,500 on its construction) and bear all the expense of repairing it.

(4.) *The Church of Saint Francis Xavier at Pallavaram.*—This church was built by the Catholic Mission of Madras in 1839 for the accommodation of a small native congregation at a cost of Rupees 1,300. On the location of the European Artillery Veteran Company at Pallavaram in 1847, the little native church was found too small to accommodate them. On the application of the late Doctor Fennelly, Government sanctioned on the 17th March 1848 Rupees 800 to enlarge the church. The church was repaired in 1876 at a cost of Rupees 970, of which the Government paid Rupees 369-8-5, the balance Rupees 600-7-7 being paid by me. I have no objection to see this church continue to be governed by the orders of Government, Public Works Department, dated 26th June 1874, No. 1,727.

(5.) *The New Military Church at Bellary.*—This is purely a Government church; it was built and will, of course, continue to be maintained at the sole cost of Government.

6. After having ascertained the views of the Ecclesiastical authorities interested in the other churches in this Presidency in which the Catholic soldiers are accommodated, I will endeavour to assist in fixing their relations with the Government.

FORWARDED to the Public Works Department with reference to that Department Order, No. 1,402 W., dated 17th May 1879.

(Signed) C. G. MASTER,
Officiating Chief Secretary.

No. 84. ORDER THEREON, 14th July 1879, No. 1,848 W.

PENDING the receipt of a reply from the Government of India to the reference which has been made to them respecting the right of Government to claim as their property any church to which they make repair grants-in-aid, the questions raised in Bishop Fennelly's letter will not be discussed.

(True Extract.

Major, R.E.,
Ag. Under Secy. to Govt., P.W.D.

To the Ecclesiastical Department, with copy of letter to Government of India, No. 1,790-B W, dated 7th July 1879.
" Examiner of Public Works Accounts.

Exd. C. Howarth.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of (1879) Madras.

PUBLIC WORKS.

To

THE ECCLESIASTICAL DEPARTMENT.

&c., &c., &c.

Dated July 14th.

Issued

Recd. Encl.

G. O., 14th July 1879, No. 1,848 W.

JULY.

Nos. 83 84.

Relations between Government and the Roman Catholic Churches under the jurisdiction of Bishop Fenelly.—Defers discussion on the questions raised as to the —.

1879 Sept 5

Catholic Cathedral, Madras.

No. 19.

27 June 1879.

To the Chief Secretary to Government

Ootacamund

Sir

I have the honor to acknowledge Proceedings of Govt. Ecclesiastical Dept. dated 17 May 1879 No. 1402 communicating Major Conway-Gordon's letter to the Joint Secretary to Govt. P.W. Department dated Chepauk 25 April 1879 No. 10 B.

In Para 2 of his letter Major Conway-Gordon points out the desirability of at once fixing definitely the relations ~~of~~ between Government and the various Churches throughout the Country". I will meet his wishes as far as I am able to do so. I will first deal with the R. Catholic Churches under my own jurisdiction, with which the Government have any concern. They are five in number. (1) The church of Saint Mary of Angels in Madras. (2) The church of S. Patrick at Saint Thomas Mount. (3) The church of S. John the Baptist at Poona. (4) The church of S. F. Xavier at Palaveram

[illegible] posting Sudra on the

P. W. SECRETARIAT—1879-80.

KEEP-WITH.

1243/1

Current No.

BUILDINGS AND ROADS
CIVIL WORKS.

and (5) the new Military Church at Bellary.

In the 4th Para. of his letter Major Conway-Gordon states that "there is no doubt (excluding the value of gratuitous labour) that Government contributed one half of the original cost of S. Patrick's Church at Mangalore. He adds: "Under the Rules, therefore, the church is the property of Government." From this doctrine I am compelled to dissent. It is not in conformity with equity or justice; & if true in part only on the supposition that the part proprietors of the church forego their rights as part proprietors. This claim of sole proprietorship of churches to the erection of which Govt. made a grant-in-aid was unheard of in this Presidency before the publication of Lord Dalhousie's Resolution dated 28 February 1856.

Para 12 of the Resolution runs thus: "The Gov. Gen. in Council observes that the practice heretofore in regard to the erection and repairs of places of worship for the R. Cath. Soldiery has been to sanction grants in aid of the erection of such buildings on condition that they shall be removable or Government property, and to repair them, wherever they have been sanctioned, at the expense of Government

Relations between Govt. and Roman Catholic Churches and ... tion of Bishop Fennelly,—I ... on the questions raised as to

his Lordship in Council is pleased to determine that this practice shall be continued until further orders." The Madras Government in Proceedings dated 28 April 1856 comments on the passage just quoted in the following words: "Para 5. It is observed that the practice which obtains in Bengal in regard to the erection and repair of places of worship for the R. Cath. Soldiery does not appear to have hitherto obtained in the Madras Presidency. It will however in future be an established rule that grants in aid of the erection of R. Catholic Churches or Chapels shall be sanctioned only on condition that they shall be removable as Government property; such buildings being maintained in repair at the expense of the State." The Rules on Church Majors Conway-Gordon refer had no force in the Madras Presidency before 1856, and there was no application to Chambers built with Government grants in aid prior to that year. S. Patrick's Church in Bangalore was built in 1845 or 46, long before the Resolution of Lord Dalhousie in 1856. I believe all the R. Catholic Churches in this Province, built with a grant-in-aid from Govt., were erected prior to 1856. I am not aware of a single Church erected with the help of a Govt. Grant-in-aid since the publication of Lord Dalhousie's Resolution.

Churches will be more or less affected by the ruling passed by the Govt. of India on the

Secl. 14 July.

P. W. SECRETARIAT—1879-80.

KEEP-WITH.

1868

Current No.

BUILDINGS AND ROA
CIVIL WORKS.

Another point deserving I consider atten is in Lord Dalhousie's Resolution that the total cost of repairs of the aided churches was to be borne by Govt. Whe Govt. claimed the property, they undertook the duty of keeping their property in repair. To determine whether R.C. aided churches are reclaimable as Govt. property it is necessary to attend to the date on which Govt. aid was granted. Those aided before 1856 are not Govt. property; if aid was given after that date, it was given on the understanding that the churches shall be reclaimable as Govt. property & in such case Mayor Conway Gordon may say without contradiction "under the rules, therefore the Church is Government property"

I now proceed to determine the relations of the 5 churches above mentioned with the Government.

1. The Church of S. Mary of Angels in Madras. This church was built by the Capuchins in 1785. It was enlarged & improved in 1836 by the Rt. Rev. S. Clement, the first Vicar Apostolic of Madras, at a cost Rs 20,000, the Govt contributing one third of the money in consideration of the accommodation given in the church to the R. Cath. troops in Fort S. George. The troops have been ever since and are still accommodated in the Church, which has been several times repaired and without any expense to Govt. the future

Relations between Govt and Roman Catholic Churches under tion of Bishop Fennilly.—D on the questions raised as t

relations of the Church with Govt. will depend upon the Govt. orders on my letter to the Chief Secretary to Govt. dated 3rd March 1879.

(2.) The Church of S. Patrick at S. Thomas Mount. This church was built in 1841 at a total cost of Rs 8000, of which 3000 were paid by Government as a grant in aid. It is still used by the Rom Catholic Soldiers of the station, for whose accommodation it was originally built. The ruling of Lord Dalhousie with the conditions as to proprietorship, was accepted by my predecessor in regard to this church. The buildings have been regularly repaired by the Government since 1856. I have been called upon recently under the rules of the Public Works Department to contribute to the repairs of the Church: and I respectfully declined to do so. I see no reason why I should contribute a single farthing towards the upkeep of a church for the Catholic Soldiers at the Mount. It is the duty of Govt. to provide Church accommodation for the Catholic Soldiers, as is done for his Protestant Comrades.

Churches will be more or less affected by the ruling passed by the Govt of India on the

Recd. 14 July

BUILDINGS AND ROA
CIVIL WORKS.

P. W. SECRETARIAT—1879-80.

KEEP-WITH. 1848

Current No. _____

The Church was built solely for the use of the Soldiers and is used solely by them, and a few Rom. Catholic Servants attached to the Station. Instead of calling upon me to contribute to the repairs of this Church the Govt. should rather refund to me the Rs 5.000 contributed by the Catholic Mission of Bellary in 1841 towards the erection of the building.

(3) The Church of S. John the Baptist at Poonamallee This Church was built in 1820 & enlarged in 1848. The total cost of the original building & the additions in 1848 was Rs 2.900; of which Government paid Rs 1400. Since the publication of Lord Dalhousie's Resolution the Church has been regularly repaired at the sole cost of Govt. the same remarks that have been made above in regard to S. Patrick's Church at S. Thomas Mount apply to this church also. The Church was built solely and entirely for the use of the Soldiers. There is no civilian congregation to share the Church with the Soldiers or to bear a part of the cost of its maintenance Let the Govt call it their own (although the Catholic Mission spent Rs 1500 on its construction) and bear all the expense of repairing it.

(4) The Church of S.t Xavier at Palamcau. This church was built by the Catholic Mission of Madras in 1839 for the accommodation of a small native congregation at a cost of Rs 1300. On the location of the E.-A. V. Co at Palamcau in 1847, the little native church was found too small to accommodate them. On the application of the late S. Fennelly Bp.d sanctioned on the 17th March 1848 Rs 800 to enlarge the church. The church was repaired in 1876 at a cost of Rs 970; of which the Govt. paid Rs 369-8-5 the balance Rs 600-7-7 being paid by me. I have submitted to see this church continue to be governed by the orders of Govt. P.W. Department Dated 26 June 1874 No. 1727.

(5) The new military church at Bellary. This is purely a Government Church. It was built & will of course, continue to be maintained at the sole cost of Government.

After having ascertained the views of the Ecclesiastical authorities interested in the other Churches in this Presidency in which the Catholic Soldiers

Relations between Governm
Roman Catholic Churches un
tion of Bishop Fennelly,—
on the questions raised as t

1845/6

79

ralleji
tations
d the
ic Churches
risdiction
t have
ired
erkaim
Eccle-
rgading
urches
ace of
Black
was
the Govt

There
would be more
or less affected by the
ruling passed by the
Govt of India on the

al Sheet 14 July

BUILDINGS AND ROA
CIVIL WORKS.

are accommodated, I will endeavour to assist in fixing them relations with the Government

I have the honour to be, Sir,

Your most Obedient Servant

+ P. Kennelly

Encl. (1879/1314 from the Bishop of Ceylon, dated 30th June 1879 Subject Roman Catholic Churches under the Jurisdiction of Bishop Kennelly)

Read 3rd July 1879

Minuted

Proof 14-7-79 No 1894

No. 1314.

Recommended to the Public Works Department with reference to that department's minute under No. 1402. Dr. of 17th May 79.

Colombo
30th June 1879.

Chas. Lee
Offg Chief Secretary

Roman Catholic Churches un
tion of Bishop Kennelly,—I
on the questions raised as t

P. W. SECRETARIAT—1879-80.

KEEP-WITH.

1948

Current No. _____

Letter No. 1314

Dated the 30th June/79

from the Eccl. Dept

Bishop Kennelly discusses the relations between Govt. and the 5 Roman Catholic Churches under his own jurisdiction with which the Govt. have some concern, and promises to ascertain the views of the Ecclesiastical ~~Dept.~~ authorities regarding the other churches.

Of the five churches mentioned, the case of one of them - the Black Town Cathedral - has been referred to the Govt of India -

The cases of the other Churches will be more or less affected by the ruling passed by the Govt of India on the

Encl. Eccl. 14 July

reference in question.

Till it is received the relations between Govt. and the R.C. Churches cannot be definitely fixed.

B&R
C. Works

No. 1848 W of 14th July/79

Order thereon

Pending the receipt of a reply from the Govt. of India to the reference which has been made from respecting the right of Govt. to claim as their property any Church which they make Repair Grants-in-aid, the questions raised in Bishop Tennelly's letter will not be discussed.

Letter No 1790 B-W dated 7th July 1879

Rec'd. Depth with Copy of letter to G of I No 1790 B-W dated 7 July/79

N.P. 7/7/79

Dated 8/7/79

Dated 22-7-79 Rep. Mr Lush

14:5-85

Cir 8983

Govt. of [1879] Madras.

PUBLIC WORKS.

To

Dated

Issued

Recd. Encl.

G. O., 14 July 1879, No. 1848

Nos. 8384

Relations between Govt
& the Roman Catholic Church
under the Jurisdiction of
Bishop Fennelly. Defer
discussion as to Mr
on the questions raised
as to the —