B No. 180 Wdf Jan 22 1886

Comm.d to the
Supdg Engr. V Circle,
who will direct
the E.E. Presidency
Division to make
the required valu-
-ation when called
upon As do so.

L.
19/1/86

1.P.

S.E. V Circle
with enclos. the set.

Ecclesiastical dept.

Desp. 22-1-86

[6]

Govt. of 188 Madras

To

The Secretary

Proceedings, dated 16/1 188 6
No. 98

Subject.

No. 180 Wdf Jany 22 1886

Regarding valuation
of certain articles
submitted by the P.W. Pens
Dr Holgate

Ecclesiastical Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Endorsement of the Military Deptt. No. 146 dated 7th January 1886 transferring the following letter from the Controller of Military Accounts No. B dated 4th January 1886.

In returning the enclosure of your No. 6990 dated 8th December 1885, I have the honor to report that there is no objection to the requisi- of the Right Rev: Dr. Colgan being complied with, the valuation of the articles in question being made by the Executive Engineer of the Division.

Order thereon 16th January 86 No. 9 In. Communicated to the Right Rev: Bishop Colgan and to the Deptt. Public

Public Works for information
/ True Extract /
L. Gibson
Ag Chief Secretary.

Do
The Public Works Deptt.
with Copy of G.O. No 265. 7/12/05.
The Right Revd. Bishop Colgan.

P.W.D

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

No. 2673 W dt 10th Nov 85

Communicated to
Superintending Engineers
in continuation of G.Os
2269 W dt 30th Septr 1885

Hdl J SS

To

Circular No. 16 Public Works.

Dated Simla, September 25, 1885.

Received

No. 2673 W dt 10th Nov 85

REVISED ECCLESIASTICAL RULES.

Addendum and Corrigenda.

Supdg. Engineers
Consg. Arct & Govt

With order

G. C. B. Press, Simla.—No. 141 P.W.D., A.B.—10-10-85.—1,650.

Circular No. 16, Public Works.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

To

THE GOVERNMENTS OF MADRAS, BOMBAY, BENGAL, THE NORTH-WESTERN PROVINCES AND OUDH, AND THE PUNJAB.
THE CHIEF COMMISSIONERS, CENTRAL PROVINCES, BRITISH BURMA, ASSAM, AND COORG.
THE RESIDENT AT HYDERABAD.
THE AGENTS TO THE GOVERNOR GENERAL FOR CENTRAL INDIA, RAJPUTANA AND BILUCHISTAN.
THE SUPERINTENDENT OF PORT BLAIR AND CHIEF COMMISSIONER, ANDAMAN AND NICOBAR ISLANDS.
THE INSPECTOR GENERAL OF MILITARY WORKS.
THE SUPERINTENDENT OF WORKS, SIMLA IMPERIAL CIRCLE.
THE ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT.
THE DIRECTOR GENERAL OF RAILWAYS.

Simla, September 25, 1885.

MEMORANDUM.

Revised Ecclesiastical Rules—Part IV.

(Issued with Public Works Circular No. 15 of 1885.)

ADDENDUM.—Insert the following as Note to Rule XXIX:—

Compensation may be charged for sittings provided for British-born commissioned and non-commissioned officers (including families), employed on the Staff or with Native Regiments, in addition to the number of sittings allowed under Rule VI.

CORRIGENDA.—Rule XVI (4). *For* clause (*a*) *read* clause (*b*).

RULE XXXIII.—Omit the words "not belonging to the Church of England."

W. S. TREVOR, Colonel, R.E.,
Secretary to the Govt. of India.

Documents accompanying.
Nil.

No.

Copy forwarded to the Home, Finance and Military Departments, for information.

Copy also forwarded to the Resident at Mysore through Foreign Department; the Director General of Telegraphs; the Director-in-Chief, Indo-European Telegraph; the Director, Persian Telegraph; the Director, Persian Gulf Telegraph; the Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow; the Comptroller General, and to the Accountant General, Bengal, for information.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

No. 2631 dated 6th October 1885

Recorded with reference to Govt No 1887 dated 14th August 1885

C B
Key

To

Circular No. 15, Public Works.

Dated Simla, September 25, 1885.

Received

No. 2631 dated 6.11.85

CHURCHES AND CEMETERIES.
Revised Rules relating thereto.

Govt. C. B. Press, Simla.—No. 215 P. W. D., A.G.—30-9-85—1 653.

Accompaniment to Public Works Department Circular No 15P.W. of 1885.

No. 103 (Ecclesiastical), dated 20th June 1885.

Notification by the Government of India, Home Department.

The following revised rules (1) for the care and use of Government cemeteries throughout India, except those in the Presidency Town of the Diocese of Calcutta; (2) for the levy and expenditure of fees on graves and monuments in cemeteries and churches throughout India; (3) for the levy of other ecclesiastical fees; and (4) for regulating grants for the building of churches, compensation for accommodation for soldiers in chapels neither belonging to, nor rented by, Government, and for the supply of church furniture, are published for general information and guidance:—

I.

Rules for the care and use of Government Cemeteries throughout India, except those in the Presidency Town of the Diocese of Calcutta.

CHARGE OF THE CEMETERY.

Rule I.—(1) The Resident Chaplain of a station has charge of the general cemetery and frames an estimate of the expenditure connected therewith in accordance with the directions contained in paragraph 1, Home Department* Resolution No. 6—370-382, dated 9th November 1876.

* Appendix A.

(2) The term "Resident Chaplain" includes a Clergyman of the Additional Clergy Society so far as concerns the stations to which he stands appointed, or other Clergyman of the Church of England placed in charge by the Bishop.

(3) During the temporary absence of the Chaplain, and at stations where there is no Resident Chaplain, the charge of the cemetery belongs to the Chief Magistrate on the spot, or the senior Military Officer if the cemetery is attached to a military cantonment.

(4) At out-stations where there is a Church Committee, the charge of the cemetery will belong to the senior member of Committee, and where there is no such Committee, to any subordinate officer nominated by the Magistrate or Deputy Commissioner of the district.

Rule II.—Each cemetery is allowed a mali-chowkidar or chowkidars in accordance with the scale prescribed in paragraph 2, Home Department Resolution† No. 6—370-382, dated 9th November 1876. These chowkidars are paid by Government through the Resident Chaplain by whom they are appointed and dismissed. In stations where there is no Resident Chaplain, the chowkidars are paid, appointed, and dismissed by the other officers named in Rule I.

† Appendix A.

Rule III.—Every reasonable effort should be made by the Resident Chaplain or other officer in charge under Rule I, not only to keep the cemetery in decent order, but to preserve its character as the resting-place of the remains of departed friends by providing for the necessary repairs and by planting the ground with suitable trees.

NOTE.—To meet the expenditure under this Rule, see Rule I. and paragraph 1, of Home Department Resolution * No. 6—370-382, dated 9th November 1876.

* Appendix A.

Rule IV.—The chowkidar will keep the key of the cemetery under the direction of the officer in charge.

Rule V.—The officer who has charge of the cemetery under the operation of Rule I will perform all the duties assigned to the Chaplain by Rules VII, VIII, IX, X, and XI, with the exception of the approval of the inscriptions in that part of the cemetery reserved for the Church of England. These are to be forwarded to the visiting Chaplain, or, if there be none, to the Archdeacon, and not cut till his sanction be obtained. Should an inscription be disapproved, it may be referred, if those interested desire this, to the Government for decision.

INTERMENTS BY WHOM TO BE CONDUCTED.

Rule VI.—(1) The Chaplain will bury Christians of all denominations whose friends desire his services as laid down in the orders of the Government of India in the Home Department * No. 159, dated the 6th June 1877, using always the service of the Church of England, and the consecrated portion of the cemetery.

* Appendix B.

(2) A portion of every cemetery will be set apart by the orders of Government for the use of Roman Catholic congregations, and another portion will be appropriated for the joint use of other Christians whose friends desire that they should be interred otherwise than according to the ritual of either the Church of England or of the Church of Rome, or who cannot legally be so interred.

(3) The unconsecrated portions thus set apart are not to be fenced or walled off from the rest of the cemetery, but simply divided off by a pathway, and they must be added to the existing cemetery or reserved from it. If the existing cemetery be large enough for the wants of the whole Christian community, such portions will be reserved without reference to the fact that the whole enclosure has or has not been consecrated according to the rites of the Church of England. If the cemetery be only large enough for the wants of Christians desiring to be buried with the service of the Church of England, such portions will be added. The whole cemetery thus divided is to be surrounded by a wall, to have but one gate of entrance, and to be under the care of the officer specified in Rule I.

Rule VII.—(1) 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. At least six hours' previous notice of the burial should be given to the Chaplain in charge of the burial-ground or, in the absence of the Chaplain, to the officer who may be in actual charge. The period herein prescribed may, for special reasons, be shortened with the permission of the Chaplain or officer in charge of the cemetery. Such Chaplain or officer will, if he thinks the circumstances of the case demand it, bring the facts to the notice of the local Magisterial authorities in time to admit of an order stopping the burial being passed if necessary.

(2) A certificate of burial drawn up according to the required form must be sent to the Chaplain or to the Registrar of Births, Marriages, and Deaths to be entered in the register kept up by him.

Rule VIII.—(1) No burial can, as a general rule, take place in that part of a Government cemetery which has been set apart for the use of members of the Church of England, unless the service prescribed by that Church is read by the Chaplain, if there be one, or, in his absence, by the layman who officiates at the funeral. But a person may be interred in the other portions of a Government cemetery with or without the use of any services of religion.

(2) Where in that part of a Government cemetery which has been set apart for the use of members of the Church of England there is a family vault or grave, or a reserved plot of ground purchased by a member of the family, or a masonry grave prepared in immediate contiguity to such family vault or grave, or reserved plot, any deceased member of a family may, if the relative, friend, or legal representative having charge of the funeral arrangements shall so desire, be interred in such family vault, grave, or reserved plot without the performance of the service for the burial of the dead according to the rites of the Church of England.

(3) The burial may take place at the option of the person having charge of the same either without any religious service or with such Christian and orderly religious service at the grave as such person shall think fit; and any person or persons who shall be thereunto invited, or be authorised by the person having charge of such burial, may conduct such service or take part in any religious act thereat.

(4) Notice of any burial which it is intended to conduct under the provisions of clauses (2) and (3) shall be given to the Chaplain or other officer in charge of the burial-ground in the manner prescribed by Rule VII.

ARRANGEMENTS FOR BURYING.

Rule IX.—The arrangements for making the necessary preparations for digging graves, preparing coffins, and the like, will rest in military stations upon the senior military officer, and in civil stations upon the chief local Magistrate. These officers are authorised to direct any local Public Works officer to supply all that is necessary. The local Public Works officer would usually be the Executive Engineer of Military Works in military stations and the Civil Executive Engineer in other stations. The expenditure incurred by the Executive Engineer will be held in his miscellaneous advance account until repaid by the officer authorising the expenditure. But in cases of necessity or emergency, either officer may be called upon to do what is required.

Rule X.—The officer in charge of the cemetery shall keep a plan of the entire cemetery to be provided by the Public Works Department, with references written upon it, in a book, in which the names of parties interred are recorded; this plan and book being kept with the church registers.

Note.—The Executive Engineer prepares a plan of the cemetery showing on it all the existing graves and the space allotted for future graves, and giving them all consecutive numbers.

Rule X-A.—The officer in charge of the cemetery may reserve grave space, as limited by Rule XI below, on the application of near relatives of persons already buried in the cemetery and for the burial of the persons named in the application. A double ground fee shall be levied in advance before granting any such application, and each grant shall be registered in a book to be kept for the purpose and indicated on the plan. The ground will then be reserved for 10 years. Before the expiry of that period, a fresh application should be made and a further double fee paid; failing which the ground will be resumed.

Rule XI.—The size of each grave, whether of masonry or not, is limited to 9′ × 4′, and the area of ground to be enclosed must not exceed 11′ × 7′ by external measurement.

Rule XII.—(1) All graves must be at least 6 feet in depth.

(2) No body shall be buried in any vault or masonry grave which it is intended at any after time within 14 years to re-open unless the coffin be separately entombed in an air-tight manner by properly cemented stone or brick work, which shall never be disturbed.

(3) One body only shall be buried in a grave at one time, unless the bodies be those of members of the same family."

(4) No non-masonry grave or masonry grave unprovided with the separate air-tight compartment prescribed in clause (2) shall be re-opened within 14 years after the burial of a person above 12 years of age, or within 8 years after the burial of a child under 12 years of age, unless to bury another member of the same family, in which case a layer of earth not less than one foot thick shall be left undisturbed over the previously buried coffin. If on re-opening the grave any soil is found to be offensive, such soil shall be left undisturbed.

(5) There shall never be less than 3 feet of earth between the topmost coffin in a grave and the surface of the ground.

ERECTION AND REPAIR OF MONUMENTS.

Rule XIII.—Monuments may be erected by any interested person. The inscription before being cut and the design when the monument is other than a simple headstone, must be first approved of as laid down in Rule V.

RULE XIV.—When a grave is not of masonry throughout, the only monument ordinarily allowed over it is a simple cross or headstone on an adequate masonry foundation not exceeding 3′ × 2′; and the whole structure must not stand higher than 3′ 6″ from the ground-level. But with the permission of the officer in charge of the cemetery a monument, such as may be erected over a masonry grave, may be placed over a non-masonry grave when adequate masonry foundations are provided on which the monument may rest.

RULE XV.—No monument of whatever material constructed, shall exceed 8′ × 4′ at the base without the previous sanction of the Local Government.

RULE XVI.—No monument of *masonry* shall stand higher than 3 feet from the ground-level.

RULE XVII.—No cenotaph shall be more than 6 feet square at the base.

RULE XVIII.—The enclosure of ground round a grave must be by a metal railing, or by chains or bars of metal supported on masonry or metal pillars. Wooden on masonry enclosures are not permitted. The previons sanction of the Archdeacon, or, in his absence, of the Bishop, is necessary to the enclosure of a non-masonry grave; and no such sanction will be given unless the same fees are paid as for the construction of a masonry grave.

RULE XIX.—When a monument needs repairing, the officer in charge of the cemetery should communicate with the friends of the deceased or, when such communication is not possible, advertise three times in the *Gazette of India* and the Gazette of the Province; and if it falls into a ruinous condition and no person will undertake to restore it, the ruined monument shall be made level with the ground during the next repairs, and any slab it contained will be placed over the grave in simple masonry, or be inserted in the wall of the cemetery.

NOTE.—(1) This rule does not apply to monuments of historical or archæological interest. Lists of such tombs should be obtained by Local Governments and Administrations, and as many of them as may be properly preserved at the public expense should be looked after by the Local Public Works Department.

(2) The cost of the advertisements in the Gazette is met by the Government.

(3) In the Bombay Presidency a person, other than a British soldier or a non-commissioned officer, desiring to erect a monument over a grave is required to pay into the treasury a sufficient sum of money to be invested in Government securities, so that the interest on it will be sufficient to cover the cost of repairs, annually. A British soldier or a non-commissioned officer is not compelled to make a deposit; but in the event of money for repairs not being forthcoming, Rule XIX is held to apply.

RULE XX.—All work connected with monuments must, as far as possible, be carried on outside the cemetery, and any undertaker not removing the debris of his work immediately upon its completion is liable to a fine of Rs. 5.

INSPECTION.

RULE XXI.—The cemetery should be inspected once in a half-year by the Chaplain in company with the Executive Engineer, the plan and book kept under Rule X being also examined, and a report made to the Archdeacon, and recorded in the Ecclesiastical record-book of the station, and also in the Engineer's Office.

RULE XXII.—(1) Commissioners of Divisions should inspect cemeteries, whether closed or in use, within their respective jurisdictions, in the course of their annual tours, and should bring to the notice of the Local Government any instances of cemeteries which are negligently kept, or which the officers in charge may have allowed to fall into a state of bad repair or disorder. All cemeteries are equally subject to the visitation and supervision of the Bishop and Archdeacon.

(2) Sanitary officers in cantonments are invited to inspect cemeteries within their respective cantonments, and to report to Local Governments any matter calling for notice.

MISCELLANEOUS.

RULE XXIII.—It is desirable that officers commanding regiments or detachments should be instructed to cause a report to be made to the nearest civil officer of graves dug for soldiers on march, that measures may be taken for their effectual protection and preservation. These graves and all scattered Christian graves throughout the district are under the care of the local civil authorities.

RULE XXIV.—The above rules do not apply to Presidency cemeteries, which are regulated by special rules.

II.

Rules regarding Fees in Cemeteries and Churches throughout India.

RULE I.—The following are the rates of fee chargeable:—

		Rs.	A.	P.
(1)	For every square foot of ground occupied by a grave ...	0	8	0
NOTE—This fee is independent of the actual charge for making a grave.				
(2)	For a masonry monument, per square foot	1	0	0
(3)	For a cut-stone or marble monument, per square foot ...	0	8	0
	Provided that no fee under (2) or (3) shall be less than...	5	0	0
(4)	Additional fee when a cut-stone or marble monument stands higher than 3 feet from the ground-level...	16	0	0
(5)	For a headstone or cross over a non-masonry grave ...	5	0	0
(6)	For a faculty for the erection of a monument in a church	75	0	0

NOTES.—(1) A tablet on the wall of a cemetery shall be regarded as a monument.

(2) The term "stone or marble" does not include "slate."

(3) The fee of Rs. 75 levied on a faculty is in all cases to be spent in charity.

(7)	For a cenotaph, in addition to the ground fee, a special fee of	50	0	0

RULE II.—Fees are leviable over the whole cemetery, including those portions which are used by Roman Catholics and Nonconformists.

NOTES.—(1) The same rules in regard to fees apply to all graves, whether of Roman Catholics, of Nonconformists, or members of the Established Church.

(2) Where a parcel of ground used for burial by a Christian community of any particular denomination other than the Established Church of England forms no part of the general cemetery but is separate from it, or where, although not so separate, it is clearly distinguishable and was not originally acquired, and has not been kept up at the expense of the State, then, if the community by which the ground is used so desire, the Government will give up all claim to fees, on the distinct understanding that it is divested of all responsibility for the maintenance of the cemetery in proper order. On the other hand, where such parcels of ground form part of a cemetery of the Established Church or the general Christian community, provided and maintained by the Government, no distinction can be made as to keeping up any one part of the cemetery, nor should any exemption from fees be permitted.

EXEMPTION FROM FEES IN GOVERNMENT CEMETERIES.

RULE III.—British soldiers and non-commissioned officers are exempted with retrospective effect, from the payment of any fee for the construction of graves, or for the erection of monuments in burial-grounds to the memory of their comrades, wives, or children; but not from the fees prescribed under Rule I (6) and (7). The widows and children of British soldiers and non-commissioned officers are also exempted from payment of the former class of fees in the case of their deceased husbands and parents. No monument, either regimental or private, shall exceed the dimensions prescribed in Part I of these rules.

NOTE.—(1) This rule is applicable to British soldiers and non-commissioned officers whether in military or civil employ.

(2) Monuments erected under this rule subscribed for partly by non-commissioned officers and men, and partly by officers, are likewise exempted from the prescribed fee.

(3) Warrant officers and volunteers are not exempted from payment of ecclesiastical fees.

RULE IV.—The Chunar pensioners being more or less under military control come under the category of soldiers, and are therefore entitled to the same exemptions as soldiers. But this ruling does not apply to other pensioners who are not similarly under military control.

RULE V.—The Chaplain may at his discretion reduce, or in cases of extreme poverty altogether remit, the fee leviable on the construction of graves, but not for the erection of monuments.

NOTE.—The Bishop on special occasions may sanction a reduction or remission of fees for the erection of monuments.

FEES BY WHOM TO BE COLLECTED.

RULE VI.—In those stations in which a mason has been appointed, who alone is allowed to work within the cemetery, he is required, in exchange for the monopoly, to collect the fees on monuments and masonry graves and pay them to the Chaplain: and any person ordering the construction of a masonry grave or monument by a mason or undertaker other than the person appointed by the Chaplain must pay the fees in advance.

NOTE.—Fees on masonry graves and monuments constructed by the appointed mason or undertaker need not be paid in advance, but in case of failure of payment, their recovery must be entrusted by the Chaplain to the Magistrate or Deputy Commissioner as the case may be.

FEES TO WHOM TO BE PAID.

RULE VII.—The fees prescribed in Rule I should be paid to the Chaplain or, in the absence of the Chaplain, to the officer in charge of the cemetery, and remitted at once to the civil treasury, except fees for monuments in churches which should be paid over by the Chaplain to the charitable objects to which the Bishop assigns them when his faculty is issued.

CEMETERY RECEIPTS AND CHARGES.

RULE VIII.—All cemetery receipts and charges are to be regulated as laid down in paragraph 4 of Home Department Resolution* No. 6—370-382, dated the 9th November 1876.

* Appendix A.

MISCELLANEOUS.

RULE IX.*—(1) A person may not purchase a portion of a Government cemetery as a burial-place for himself and his family so as to have a right to fence it with a rail or fence, and thus make it the private property of himself and family. But when such rights already exist, they are not without reason to be interfered with, and special cases as they arise may require exceptional treatment. In such special cases the Archdeacon may exercise his discretion with the sanction of the Local Government.

(2) All private rights must, however, cease if, for sanitary or other public reasons, the cemetery is closed against burials, or even that portion of it in which the private ground is situated; but in special cases the Archdeacon may exercise his discretion of giving permission to open a vault or masonry grave.

(3) No cutcha grave can be opened in any cemetery for the purpose of converting it into a masonry grave without application to the Archdeacon, which must be accompanied by a certificate from the Principal Medical Officer that this may be done without risk to public health.

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* From MR. JAMES SUTHERLAND, to the Officiating Secretary to the Government of India, dated, 10 Clive Row, Calcutta, the 20th December 1877.

A Mr. Joseph Gill came out to this country with letters of introduction to me, and died very suddenly at the General Hospital, Calcutta. On a reference from the hospital authorities, I had his body interred in the Catholic portion of the military burial-ground at Bhowanipur. His widow, now resident at Paris, writes to me to have his body exhumed and buried in a family vault in the Roman Catholic Church at Dhurramtolla: but I am advised that the Garrison Chaplain, under whose care the burial-ground is, requires the sanction of Government (Home Department) before permitting this to be carried out; and I would be much obliged if you would be good enough to give me the necessary sanction.

As the body will be interred in another grave without loss of time, I would also be obliged if you would dispense with the necessity of a zinc coffin, which, from its imperishable nature, is likely to form a serious obstruction in a family vault.

From F. C. DAUKES, Esq., Under Secretary to the Government of India, to the Secretary to Government of Bengal, No. 1, dated Fort William, the 3rd January 1878.

I am directed to forward the accompanying letter, dated the 20th ultimo, from Mr. James Sutherland, asking for permission to remove the body of one Joseph Gill from the military burial-ground at Bhowanipur for re-interment in a family vault in the Dhurramtolla Roman Catholic Church, and to enquire what is the rule or practice in such cases, and whether there is any objection to permission being granted to remove the body for re-interment.

From H. H. RISLEY, Esq., Under Secretary to the Government of Bengal, General Department, to the Officiating Secretary to the Government of India, No. 377, dated Calcutta, the 25th January 1878.

With reference to your Office letter No. 1 of the 3rd instant, and its enclosure, on the subject of the removal of the body of Joseph Gill from the military burial-ground at Bhowanipur for re-interment in a family vault in the Dhurramtolla Roman Catholic Church, I am directed to submit herewith, a copy of a letter (*a*) from the Venerable the Archdeacon of Calcutta, and to say that, under the conditions specified therein, the Lieutenant-Governor thinks that permission to remove the body may unobjectionably be granted.

(*a*) No. 702, dated 18th January 1878.

From the Venerable J. BALY, Archdeacon, Calcutta, to the Secretary to the Government of Bengal, No. 702, dated Muzufferpore, the 18th January 1878.

With reference to your note No. 122, of 8th January 1878, forwarding copy of letters relating to the removal of a body from the Bhowanipur cemetery to the Roman Catholic Church in Dhurramtolla, I have the honour to say that there is no Government order bearing exactly on such a case, but that there is a regulation recently passed that no cutcha grave should be opened for the purpose of converting it into masonry grave or vault without previous reference to the Archdeacon and the certificate of the Principal Medical Officer that no risk would be incurred thereby to the public health.

If this is certified with respect to the removal of the body referred to, and the Roman Catholic authorities make no objection to its re-interment in the Dhurramtolla Church, I see no particular reason why the removal should not be sanctioned. I think, however, that the coffin should certainly be cased with a zinc covering while it is being removed, which could be taken away, if necessary, when the coffin is finally deposited in the vault.

From J. O'KINEALY, Esq., Officiating Secretary to the Government of India, to MR. JAMES SUTHERLAND, 10, Clive Row, Calcutta, No. 44, dated Fort William, the 31st January 1878.

In reply to your letter dated the 20th ultimo, I am directed to say that the Governor General in Council is pleased to grant permission for the removal of the body of Joseph Gill from military burial-ground at Bhowanipur for re-interment in a family vault in the Dhurramtolla Roman Catholic Church on the following conditions:—

(1) that you obtain a certificate from the principal medical officer at the Presidency, that no risk to the public health will be incurred by the removal of the body.

(2) that the Roman Catholic authorities have no objection to the re-interment of the body in the Dhurramtolla Church; and

(3) that the coffin be encased in a zinc covering while it is being removed, which covering may be taken off when the coffin is finally deposited in the vault.

No. 45.

Copy to the Government of Bengal for information, with reference to letter thence, dated the 25th instant, No. 377.

No. 46.

Copy to the Venerable the Archdeacon of Calcutta for information.

RULE X.—(1) When a piece of ground is granted by Government as a cemetery to a Railway Company for the interment of its own servants, which afterwards keeps it in repair and provides the necessary establishment, so that beyond the original grant of ground Government is at no expense, the collection and application of fees accruing are left to the decision of the Railway Company which maintains the cemetery in good order and repair.

(2) The Commissioner or District or Judcial Officer, and in military stations the officer commanding, should inspect such cemeteries and report to Government if they find them negligently kept.

III.

Other Ecclesiastical Fees.

RULE I.—No fees are charged for the performance of the rite of baptism or burial, or for the registration of the performance of these offices.

RULE II.—In addition to the fee for the Surrogate's license, a fee of Rs. 10 shall be charged on all marriages by license, except the marriages of officers and others in the Military or Naval Service of Her Majesty.

RULE III.—The fee for a Surrogate's license shall be Rs. 50 both at the Presidency Towns and in the interior. No fee shall be charged on marriages by banns.

RULE IV.*—When registers are searched and a copy of any entry given a fee of one rupee shall be charged for the first year,† and four annas for every additional year over which the search may extend; as well as a fee of one rupee for the certificate. Soldiers, sailors, and non-commissioned and petty officers are exempted from payment.

† The first year shall be taken to mean any one year indicated by the applicant.

NOTE.—(1) The amount of fees payable for marriages performed, and for searching registers kept in accordance with the provisions of Act XV of 1872 (The Indian Christian Marriage Act), is fixed by each Local Government.

(2) The Chaplain may, at his discretion, reduce or altogether remit in cases of extreme poverty the fee for searching registers.

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* Government of India, Finance Department, Notification No. 1603, dated the 9th June 1882.

In exercise of the powers conferred by section 8 of the Indian Stamp Act (I of 1879) the Governor General in Council is pleased to remit the stamp duty (if any) chargeable on copies of, or extracts from, baptismal, marriage, or burial registers certified by Government Chaplains, subsidised or unsubsidised Clergymen, or Diocesan Registrars and granted to—

(1) soldiers, sailors, or non-commissioned or petty officers;

(2) or persons in needy circumstances, in whose favour Chaplains may exercise the discretionary power vested in them by Rule IX (*a*) of the Ecclesiastical Fee Rules, published on the 29th September 1869, and may grant exemption from the payment of fees under Rule IV (*b*) of those rules.

(*a*) Rule IV, Note (2), above.

(*b*) Same as Rule IV above.

Government of India, Finance Department, Notification No. 2036, dated the 30th June 1882.

Whereas copies or extracts certified to be true copies or extracts of baptismal, marriage, and burial certificates granted by Ministers and Marriage Registrars, are generally furnished on printed forms for which impressed sheets of stamp paper cannot be used without inconvenience; therefore in exercise of the powers conferred by Section 9 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to make the following rule:—

The stamp duty payable under Article 22 of schedule 1 of the Indian Stamp Act, 1879, on copies or extracts certified to be true copies or extract of baptismal, marriage, and burial certificates shall be denoted by means of adhesive court-fee labels.

Government of India, Home Department, Resolution No. 3—173-187, dated 11th September 1882.

Read again—

Financial Department Notification No. 2036, dated the 30th June 1882, ruling that the stamp duty payable under the Indian Stamp Act, 1879, on copies or extracts certified to be true copies or extracts of baptismal, marriage, and burial certificates should be denoted by means of adhesive court-fee labels.

Financial Department Notification No. 1603, dated 9th June 1882, remitting the stamp duty (if any) chargeable on copies of, or extracts from, baptismal, marriage, and burial registers certified by Government Chaplains, subsidised or unsubsidised Clergyman or Diocesan Registrars, and granted to certain classes of persons therein specified.

Read also—

A letter from the Officiating Senior Chaplain of the Church of Scotland, No. 58A., dated the 5th July 1882, on the same subject.

RESOLUTION.—In connection with the orders contained in the above-mentioned Notification issued by the Department of Finance and Commerce, the following questions have now been raised by the Officiating Senior Chaplain of the Church of Scotland:

(1) In what way the adhesive court-fee labels prescribed by the Notification, dated the 30th June last, should be defaced; and

(2) Whether in a case of a certificate granted to a person belonging to any of the classes exempted by the Notification, dated the 9th June last, anything should be written on the certificate to show why it has been granted without the payment of stamp duty.

2. As regards the first question, the Governor General in Council is pleased to direct that the officer issuing the certificate shall cancel the adhesive court-fee label affixed thereto by writing his name across it; and with regard to the second question, His Excellency in Council considers it desirable that a statement signed by the Officer issuing the certificate should be made thereon, showing the grounds on which such certificate is issued without the payment of stamp duty.

IV.

Rules for regulating grants for the building of Churches; compensation for accommodation for soldiers in Chapels neither belonging to, nor rented by, Government; and for the supply of Church furniture.

RULE I.—All State charges for Churches are provided from Public Works Funds.

In Civil or Military Stations such charges are to be dealt with under the general head "Civil Buildings." In the case of Churches in stations where there are Military Cantonments and the Military Works are under the charge of the Inspector General, and in the case of Churches in Provinces to which the Provincial Service arrangements do not apply, the necessary funds should be provided from the ordinary grant for Imperial Works under "Civil Buildings, Roads, and Services." In other cases the funds should be provided for from the allotment for Provincial Services.

For churches at, or appertaining to, State Railway Stations, the necessary funds should be provided from the capital of the railway concerned.

RULE II.—The provision of Churches from Public Works Funds is authorised under the limitations given in the following rules.

MILITARY STATIONS.

RULE III.—At all permanent Military Stations, Churches will be provided by the Government for its Protestant and Roman Catholic European British-born soldiers on the scale laid down in Rule VI.

NOTE.—The term "Protestant" includes members of the Church of England and of the Established Church of Scotland, Presbyterians, Wesleyans, and such other denominations of Christians as may from time to time be included by the Government of India.

RULE IV.—The amount of the Government grant for a Protestant Church will in no case exceed such a sum as will suffice to provide a plain substantial building of the simplest ecclesiastical design, together with such plain furniture as is essentially necessary for the proper performance of the service according to the ritual of the Church of England. It will rest with private individuals to furnish the means of imparting architectural decorations to the building, should they desire to do so, and also of supplying additional furniture, including apparatus for lighting, of a more costly description.

RULE V.—The same principles will regulate the grant for Roman Catholic Churches.

RULE VI.—The number of sittings to be provided will be calculated on the following scale:—

Detail.	Protestant.	Roman Catholic.
	Nos.	Nos.
Regiment of British Infantry	400	300
Wing of „ „	200	150
Regiment of „ Cavalry	250	150
Wing of „ „	150	100
Troop of Horse Artillery or Light Field Battery	100	50
Heavy Field Battery	80	25
Garrison Battery	50	...

Note.—The numbers in the preceding tables include soldiers' families.

RULE VII.—Any provision that may be necessary may also be made for Staff Officers, Officers of Native Regiments, and, where no Civil Church exists, for European British-born subjects in the service of Government or for Railway servants, in accordance with the scale and terms hereinafter prescribed for Civil and Railway stations respectively.

RULE VIII.—As a rule, only one Protestant and one Roman Catholic Church will be provided; and where the number of sittings required for the troops according to the scale above given is very large, the size of the Church may be regulated so as to allow of at least one-half of the troops attending service at one time.

RULE IX.—The Government grants for Churches will be calculated on the following basis. The Executive Engineer shall prepare a ground plan which shall afford—

(*a*) accommodation for the total congregation to be provided for according to the scale laid down in Rules VI and VII allowing six superficial feet per sitting;

(*b*) passages, chancel, vestry, porch of such moderate dimensions as may be reasonable in each case;

(*c*) tower or belfry, as may be required according to the dimensions, general design, and locality of the building.

The Government grant will be at a rate per superficial feet of the area of (*a*) and (*b*), 25 per cent. in excess of that which prevails at the station for ordinary single storied buildings. Where a tower is admissible, a further grant, at the above rate, may be made for it calculated on an area not exceeding three times the area occupied by its base.

CIVIL STATIONS.

RULE X.—At the chief Civil Station of a District, where there are at least 25 European British-born subjects, Protestants or Roman Catholics, as the case may be, in the general service of Government, and where no suitable Church provision for them exists already, the Government will contribute towards Church accommodation upon the following terms;—

(1) *Number of sittings required.*	(2) *Maximum Government grant.*
	Rs.
25	2,000
50	3,500
100	5,000
150	6,000
200	7,000
250	8,000
300	9,000
350	10,500
400	12,000
For any excess over 400	Rs. 30 per seat in excess.

NOTE.—(1) When the number of seats to be provided lies between any two numbers given in the table, the grant for the portion of the whole number of seats represented by the lower numerical figure in the table will be the grant shown against that figure, the rate per sitting for the excess number of seats over such lower figure being arrived at by dividing the difference between the maximum grants shown against the next higher figure and the said lower figure by the difference between the higher and lower figure. Thus, for 110 seats, the Government grant for 100 seats will be Rs. 5,000, and for the remaining 10 at the rate of $\frac{6,000-5,000}{150-100}$ = Rs. 20 per seat.

(2) As a rule, only one Protestant and one Roman Catholic Church will be provided. In the case of Protestant churches, accommodation will ordinarily only be provided for the number willing to attend the Church of England service.

(3) In ascertaining the number of seats to be provided, women and children belonging to the families of European British-born subjects in the general service of Government, and pensioned soldiers and their families, may be taken into account, two children being counted as one adult.

(4) In cases of stations where abnormal rates prevail, special application may be made to the Government of India for an increase to the grant given by the State; but no grant for more than 200 sittings will be made, except at seats of Local Governments and Administrations, or at Hill Sanataria. In the latter case, the number of European British-born subjects in Government service must exceed (without their families) 120, to warrant the grant for a Church of greater accommodation than 200 sittings.

RULE XI.—No Government grant for a Church in a Civil Station will be made until private subscriptions have been obtained, and then the grant will not exceed double the amount thus actually realised, the maximum figure in column 2 of the table above being in any case the extreme limit of the grant towards the scale of accommodation which stands opposite in column 1. And in no case will the Government grant be allowed until these contributions, together with the grant, amount to the estimated cost of the Church.

RAILWAY STATIONS.

RULE XI-A.—Whenever there are, at any State Railway station or depot so situated that other Church accommodation does not exist or is not available with reasonable convenience, at least 25 persons in the Railway service of Government who are of European descent, pure or mixed, retaining European habits and modes of life and professing the Christian religion, whether Protestant or Catholic, Churches will be provided by the Government for them in accordance with Rules IV, V, and VIII; the number of sittings being calculated on the principle, *mutatis mutandis*, of Rule X, notes (2) and (3), and the grant being in conformity with Rule IX.

RULE XI-B.—Whenever such separate Churches are not required, Church accommodation for any such persons may be provided in the plans of any Church which is about to be erected at a military or civil station; but in the case of a Church at a civil station the restrictions in Rule X, note (4), and in Rule XI, shall not apply in respect of the numbers of, and grants for, such persons.

RULE XI-C.—In cases where a State Railway station or depot is considered by the Railway administration to be likely to increase, such addition may be made to the number of sittings, calculated as above provided, as the Government of India in the Public Works Department may, in each case, sanction.

RULE XI-D.—The Rules in this section relating to Churches and Church accommodation for State Railway servants shall apply to persons in the service of any Railway Company assisted by the Government, by guarantee or otherwise, provided that the consent of the Board of Directors or other duly empowered representative of such Company be previously obtained.

GENERAL.

RULE XII.—It is desirable, whenever such a course will not be attended by inconvenience, to combine the Civil or Railway with the Military Church of a station, the grant allowed for the Church accommodation of the British troops or State Railway servants before given being supplemented by a grant according to the scale shown in Rule X and XI; or XI-A to D, as the case may be. In special cases, buildings may be rented for Divine Service, with the previous sanction of the Government of India, or of the Local Government or Administration according to whether the charge is Imperial or Provincial.

RULE XIII.—In addition to Church accommodation as above prescribed, a house for the chowkidar or resident bearer may be provided. In cases, however, where the Church is distant from the bazar and where special grounds are shown, accommodation may be provided for other duly authorised servants; but such further accommodation will be limited to shelter for day use only. These houses should, when practicable, be adjoining to, and not within, the Church compound; but when within them, they should be erected in keeping with the other Church buildings.

RULE XIV.—Grants from Imperial Funds will be sanctioned by the Government of India in the Public Works Department only. Grants from Provincial Funds will be sanctioned by the Local Governments and Administrations, subject to the limitations contained in these Rules.

RULE XIV-A.—The scales of accommodation and expense for all Churches above laid down are in no case to be exceeded without a reference to the Government of India, even though the proposed expenditure from Public Funds may be within the powers of sanction vested in the Local Government or Administration.

RULE XV.—Church accommodation for non-official residents, either British-born Europeans or others, or for official residents other than British-born or State Railway servants, should not be sanctioned by the Local Governments or Administrations without reference to the Government of India.

RULE XVI.—When private contributions are combined with a Government grant towards building a Church, the procedure to be adopted is as follows :—

(*a*) Under ordinary circumstances, the amount of private contributions being known, a definite design and estimate will be prepared by the Executive Engineer and submitted for sanction in the usual way, the limit by which the Executive Engineer will be guided in his designs being the aggregate of the Government grant according to the scales given in the preceding Rules, and the amount of private contributions actually realised.

(2) Before the work is commenced, the amount of the private contributions must be paid into a Government Treasury, or guaranteed by sufficient security, and carried to credit of Deposits in the accounts of the Dpartment.

NOTE.—In the case of a grant from the Church Building fund for the Diocese of Calcutta, a certificate instead of a cash payment in advance may be accepted, showing the amount of the contribution to be allowed. The conditions on which this certificate may be accepted are that in every case definite arrangements must be made with the Local Government or Administration concerned respecting the precise dates on which the contributions will be paid, and that, until the payment is made, the Government shall have a primary lien on the funds of the Society. In case of any failure in paying up the stipulated payment on due date, the privilege herein allowed is to cease.

(3) In dealing with cases of this nature, the private contribution is to be looked upon as an addition to the Government grant, instead of the money allowed from public funds, being considered as grant-in-aid of private contributions, and the responsiblity of Public Works Officers with respect to the preparation of estimates, and the construction of such buildings with reference to excess of expenditure over the estimate, will be as strictly enforced as where only public funds are expended.

NOTE.—In the case of State Railways, the functions assigned in this and succeeding Rules to the Executive Engineer will devolve on the Manager.

(*b*) In special cases, however, the Government grant for a Church at a Civil or Railway station may, with the sanction of the Government of India or of the Local Government or Administration, as the case may be, be treated as a grant-in-aid of private contributions raised for a church intended either as a Civil or Railway Church within the meaning of these Rules, or partly for the use of non-official residents or others for whom grants are not admissible under these Rules.

(2) In such cases, the plans and specifications shall be submitted to the Executive Engineer for the approval of the proper officers in the Public Works Department, who shall sanction them on satisfying themselves that they are safe and suitable and can be executed for the estimated amount. The construction of the building may then be left to the managers or trustees of the private contributiors raised, with whom must rest the responsibility for excess, if any, over the amount of this sanctioned estimate.

(3) In such cases, the grant will ordinarily not be paid in full until the Executive Engineer has certified that the building has been completed in accordance with the sanctioned plans and specifications; but the Executive Engineer may make advances out of the sanctioned grant on receiving sufficient proof that the building is proceeding satisfactorily, and on the managers or trustees certifying that all subscriptions relied on in support of the application for the grant have been paid up in full or guaranteed by sufficient security.

(4) When a grant is made under clause (*a*) of this rule for a Church intended partly for the use of non-official residents and others for whom grants are

not admissible under these Rules, there shall be a trust deed, duly registered—(1) declaring that the building is granted in trust for Church purposes only; (2) giving to Government a prior lien on the building for the recovery of the grant in the event of the former being diverted to other purposes; (3) providing for the legal ownership of the building; and (4) indicating sufficient sources for its proper maintenance.

Rule XVII.—The preceding Rules shall apply, as far as may be, to the enlargement of existing Churches.

CHURCH FURNITURE.

Rule XVIII.—The supply of Church furniture will be regulated by the following rules. All expenditure connected with the articles to be supplied by the Public Works Department will be provided for under the Rules laid down for that purpose :—

(1) Each Protestant Church, Civil, Railway or Military (Cathedrals excepted), will be supplied by the Public Works Department with the following articles, the cost of which will be allowed in addition to the grant for the building :—

	Maximum cost.
(*a*) Appliances to seat the congregation, and to allow them to kneel in decent comfort—	Rs.
Officers, per seat	5
„ stool or hassock	2
Soldiers, per seat	4
„ stool or hassock	1
(*b*) Communion table, each	45
„ rails, per running foot	4
(*c*) Pulpit, each	200
(*d*) Reading desk and stool	60
(*e*) Font and cover	60
(*f*) Vestry almirah	45
„ table	12
Two Vestry chairs, per pair	10
(*g*) Two Altar chairs	24
(*h*) Punkahs, complete, per running foot	2
Thermantidotes when necessary, each	200
(*i*) Lighting apparatus, per 100 seats	100
Candlesticks for pulpits, per set	40
„ for lectern	30
„ for reading desk	30
(*j*) Lectern	50
(*k*) One bell of reasonable size to summon the congregation to Church, at a cost not exceeding Rs. 300 for a first class Church (*viz.*, those containing more than 400 sittings), and Rs. 200 for a second class Church (*viz.*, those containing not more than 400 sittings).	
(*l*) Chicks or bamboo blinds for doors and windows where absolutely necessary.	At market rates.
(*m*) Matting where absolutely necessary for Churches with terraced floors.	

The "reading desk" should be simply a desk (however appropriately shaped), and not an enclosure, expensive from its size and occupying needless space.

RULE XXII.—In cases in which articles of furniture belonging to a Government Church are stolen, an immediate enquiry should be held in view to ascertaining whether the loss was caused through the negligence of the person responsible for the custody for such furniture. In the case of Protestant Churches at civil or railway stations, the enquiry should be conducted by the Chaplain and the members of the Church Committee; and in the case of Roman Catholic Churches at such stations, by the Chaplain in charge and the chief civil officer of the place, or such other person or persons as the chief civil officer may nominate for that purpose. As regards Protestant and Roman Catholic Churches in cantonments, the investigation should be made by a Committee assembled under the orders of the Officer Commanding, as is the case in respect of all other enquiries into loss of Government property, the Chaplain in charge being invited either to be a member of the Committee or to give evidence before it.

(2) If the result of the enquiry should be to show that the loss was occasioned by negligence on the part of the person responsible for the custody of the furniture, such person should, if possible, be required to make good the loss; or if it should appear that the loss was due to circumstances beyond the control of the responsible officer, then the Government of India will be prepared to consider an application for the replacement, at the public expense, of the articles stolen. Such application should be submitted through the ordinary channels and should be accompanied by a full report of the enquiry.

RULE XXIII.—The care of Church clocks is to be charged against the pew rent fund, where it exists.

RULE XXIV.—The pay of chowkidars of Churches will be disbursed through Chaplains.

RULE XXV.—Churches are under the control of the Bishop of the Diocese in respect to the erection of tablets, ornaments, &c., while in course of construction, as well as after completion and consecration.

OWNERSHIP AND REPAIR OF CHURCHES.

RULE XXVI.—All Churches built under these Rules, except Rule XVI, clause (*b*), shall be considered the property of the Government.

As a general rule, all Churches, whether Protestant or Roman Catholic, which have in past times been built by the Government are the property of the Government.

Churches, whether built wholly by private contributions or by such contributions jointly with State grants, which have been borne for a series of years on the books of the Public Works Department and have been repaired and otherwise dealt with, unchallenged, as Government buildings, shall be deemed to be the property of Government.

Churches built wholly or in part by private contributions which have not been so borne, repaired or dealt with, but which may be taken over on behalf of Government, under sanction of competent authority, shall be brought on the books of the Public Works Department as the property of Government.

RULE XXVII.—All Churches which are the property of Government shall be in charge of the Executive Engineer, and shall be repaired under the ordinary rules of the Public Works Department.

In every case in which any alteration in a Church belonging to the Government, which affect its structure or its permanent fittings, may be desired by the Chaplain or other Clergy, the Executive Engineer must be consulted and his consent obtained in writing before the alteration is carried out.

COMPENSATION FOR ACCOMMODATION IN CHURCHES NEITHER BELONGING TO, NOR RENTED BY, GOVERNMENT.

RULE XXVIII.—The rate of compensation for sittings for Roman Catholic soldiers shall be determined by the Public Works Department with reference to

the value and description of the accommodation provided, subject to a limit of Rs. 3 per seat per annum, broken periods counting as a year.*

RULE XXIX.—The number of sittings for which compensation is allowed will be regulated by the highest attendance during the year of soldiers and their families (2 children being counted as one adult) actually quartered in the station, subject to the same limit as is imposed in the case of the number allowed in Churches built at Government expense (Rule VI), the maximum allowed being 300 for a regiment of European Infantry or 33 per Company.

RULE XXX.—The outlay will appear in the Department Budget Estimates and Accounts under the head of Civil Buildings—Repairs.

RULE XXXI.—Charges for compensation require the previous sanction of the Government of India, and must be supported by a certificate from the Officer Commanding the Station of the numbers of Roman Catholic soldiers and women and children for whom accommodation has been obtained, and by a receipt for the money paid.

Such charges as have once been approved by the Government of India need not be resubmitted annually for sanction, but may be paid on the authority of the Local Government or Administration, subject to the conditions under which the original sanction was obtained.

RULE XXXII.—Compensation may be paid for Roman Catholic State Railway servants for whom Church accommodation has not been provided by the Government, the number of sittings being determined in the manner provided in Rule XI-B, the certificate being furnished by the Manager of the Railway, and the sanction of the Director General of Railways being previously obtained. The charge will be debitable to the Revenue account of the Railway.

XXXIII.—Compensation may be paid, with the previous sanction of the Government of India, for Protestant soldiers or State Railway servants not belonging to the Church of England under circumstances similar to those under which the same would be payable in the case of Roman Catholics.

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* Government of India, Public Works Department, Circular Resolution No. 33, dated Fort William, the 13th December 1881.

General application of Code Rules regulating grants for compensation for sittings provided for British-born soldiers in Roman Catholic and other Chapels from 1st January 1885.

Read again—

Public Works Department Circular No. 65, dated 6th November 1877.

Ditto ditto Code, Chapter XI, paragraphs 58 to 61.

Read also—

Letter from Inspector General, Military Works, No. 4462, dated 25th August 1881.

Public Works Department letter to Inspector General, Military Works, No. 76A.—M. & C., dated 27th September 1881.

Letter from Inspector General, Military Works, No. 5234, dated 10th October 1881.

Letter from the Right Reverend the Bishop of Pentacomia and Vicar-Apostolic of Hindustan, No. 985, dated 21st October 1881.

Resolution.—In the papers read above, it is shown that the rules published in 1877 regulating the scale on which charges for compensation for sittings provided for soldiers in Roman Catholic and other Chapels should be admitted are not applied generally, and that there are some Chapels which receive fixed grants in excess of scale under special orders of the Government of India. It is, however, considered expedient that the rules of 1877, which are considered quite liberal enough in themselves, should be applied without exception from a fixed date. The Governor General in Council has therefore resolved that from 1st January 1885, the rules of 1877, incorporated in Public Works Department Code, Chapter XI, paragraphs 58 to 61, shall be enforced in their entirety, and that all special grants sanctioned from time to time in individual cases should cease from and after the date specified.

2. This order will apply only to Chapels for which fixed grants have been specially assigned, and is not intended to disturb the arrangements in those cases in which special grants have not been assigned and where the rules in question have already been brought into effect.

APPENDIX A.

Extract from the Proceedings of the Government of India in the Home Department,—No. 6-370—382 (Ecclesiastical), dated Simla, 9th November 1876.

Read Home Department Resolution Nos. 314 to 318, dated 6th October 1875, appointing a Committee to report upon the following matters connected with ecclesiastical administration :—

(1) The framing of joint estimates for expenditure on cemeteries or churches by the Executive Engineer and Clergyman in charge.
(2) A revision of establishments for cemeteries according to their area.
(3) The size of monuments and amount of ground that may be enclosed.
(4) Provision for planting cemeteries and preserving them in decent order.
(5) Mode of supply of certain articles of church furniture.
(6) The substitution of three for two classes of churches with respect to the expenditure allowed for them by Government.

Read—

The Report of the Committee, dated 29th October 1875.

RESOLUTION.—The Report of the Committee has been considered by the Governor General in Council, who desires to express to the Committee his satisfaction at the result of their labours.

The following rules have been approved relative to the subjects referred to the Committee for report :—

1. Churches and cemeteries have already been divided into two classes : (1) those in stations where there are military cantonments and the military works in which are under the charge of the Inspector General of Military Works, and (2) those in other military cantonments and civil stations.

Public Works Department No. 486 A.—G., dated 13th July 1874.

In both classes of stations joint estimates* of expenditure should be framed annually by the undermentioned officers :—

(*a*) In the case of all expenditure connected with establishments, *e.g.*, pay of servants, alterations in their pay or number, &c.; also all expenditure by Government connected with the provision of articles of church furniture supplied by the Civil Department. — By the Chief Magistrate of the District and by the Chaplain.

(See Financial Department Resolution No. 87, dated 9th January 1875.)

(*b*) In the case of all expenditure connected with repairs and additions to church fabric, to church compound or cemetery walls, to cemetery gates, walks, wells, chowkidars or other church servants' houses, provision of necessary appliances for graves or for the repair of tombs or for the planting of trees and shrubs in cemeteries and keeping the same in decent order; also all expenditure by Government connected with the provision of articles of church furniture supplied by the Public Works Department. — By the Executive Engineer and by the Chaplain.

(See Financial Department Resolution No. 87, dated 9th January 1875; No. 2024, dated 31st March 1875; and No. 675, dated 9th February 1876.)

The estimates of expenditure to be prepared by the Executive Engineer and the Chaplain should show distinctly the probable charge under each of the following heads :—

(I) New works connected with additions to existing churches and improvements to church compounds.
(II) New supplies of furniture for churches and sanctioned articles of church use.
(III) New works connected with additions to existing burial-grounds.
(IV) Repairs to churches and church furniture and maintenance of church compounds.
(V) Repairs to burial-grounds to be executed by Public Works Officers.
(VI) Repairs to burial-grounds, including planting and cleaning, to be entrusted to the Chaplain or Chief Civil or Military Officer of the Station or Cantonment, under paragraph 4.

* The estimates should be for the financial year, and should be prepared in advance as is prescribed for other budget estimates.

It would be convenient if distinct estimates were prepared for each of these classes of expenditure.

The provision of funds to meet the charges above enumerated will be made in the budget estimate of the Public Works Department. The estimates for the same will be subject to the scrutiny of, and be passed by, the Superintending or Chief Engineer or Local Government or Administration, according to the rules in force in the Public Works Department.

In stations in which the churches and burial-grounds are under the Local Governments and Administrations in which the Provincial Service arrangements are in force, the charges debitable to the Public Works Department will be provided for in the Provincial Public Works Budget Estimate. In other Provinces and in the Military Works Branch the charge will be provided for in the Imperial Public Works Budget Estimate under civil buildings.

2. The following scale of establishments should be maintained at all cemeteries :—

(I) for a cemetery of which the area is five acres or less, one mali-chowkidar;

(II) for a cemetery of which the area is more than 5 and less than 10 acres, one mali-chowkidar and one assistant coolie;

(III) for a cemetery of which the area is more than 10 and less than 15 acres, one mali-chowkidar and two assistant coolies; and

(IV) for a cemetery of which the area is more than 15 acres, one mali-chowkidar and three assistant coolies.

It is left to the Local Governments and Administrations to determine the proper wages to be given to each servant. The cost of this establishment will be charged to Provincial Services in the case of those Local Governments and Administrations in which the Provincial Service arrangements are in force, and in the case of other Local Governments and Administrations and the Military Works Branch of the Public Works Department to Imperial Funds. In either case the charge will be included in the Civil Budget Estimate.

* * * *

4. No portion of the receipts from cemeteries and church compounds should be retained by any Government officer to be directly expended by himself; all such receipts should be paid into the Civil Treasury to the credit of the Public Works Department. In the case of receipts from cemeteries and church compounds in charge of the Military Works Branch, and under those Governments and Administrations in which the Provincial Service arrangements are not in force, the credit will be treated in the Public Works accounts as a receipt under Imperial Public Works Revenue. In the case of the other Governments and Administrations, the credit will be raised to Provincial Service Public Works Revenue. But the amount passed upon the joint estimate framed by the Executive Engineer and Chaplain to provide for planting a cemetery and preserving it in decent order should be entrusted to the Chaplain where there is one. Where there is no resident Chaplain, the amount should be placed at the disposal of the Chief Magistrate on the spot, or of the Senior Military Officer if the cemetery is attached to a military cantonment. The necessary funds for the purpose will be advanced by the Executive Engineer concerned to the Chaplain or Civil or Military Officer. Bills for the expenditure should be rendered by the officer to whom the advance has been made, either monthly or otherwise, to the Executive Engineer, who will charge for the amount thereof in the usual way in his accounts. Until the bills are received and charged off, the advance will be placed in the Miscellaneous Advance Account of the Executive Engineer. All planting of shrubs and trees* by private persons in cemeteries should be under

Home Department letter to the Ven'ble the Officiating Archdeacon of Calcutta, No. 110, dated the 22nd May 1883.

* In regard to churches and cemeteries situated within the limits of a military cantonment, the Government of India have decided :—

(1) that the Chaplain is required to obtain the permission of the officer commanding the station before ordering a tree to be cut down in a cemetery or church compound situated within the limits of a cantonment;

the control of the Chaplain if resident, otherwise under that of the Magistrate or Senior Military Officer as the case may be. When practicable, a well should be sunk in or near every cemetery.

* * * *

5. It should be understood that the Government cannot provide cemeteries at the public expense for Native Christian communities.

NOTE.—Where their number is small, the question is of little importance and is best arranged by mutual concessions or by special provisions made locally by the parties immediately concerned. And I am to suggest for His Lordship's (Bishop's) consideration whether, if the necessity of dealing at the present time with this matter of Native Christian interment be in his judgment unavoidably established, it should not be carefully examined in consultation with the several Local Governments, having regard to the diverse needs and circumstances of the population in each separate Province.

Ecclesiastical Proceedings, November 1877, No. 15.

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Extract from the Proceedings of the Government of India in the Financial Department,—
No. 2202 (Expenditure), dated Simla, the 15th August 1876.

Read the under-mentioned papers relative to the reduction of minor charges on account of church establishments in India :—

Resolution of the Government of India (Home Department), Nos. 132 to 147, dated 6th February 1875.

Letters from the Government of Madras, Nos. 297 and 143, dated respectively, 27th December 1875 and 6th June 1876, with enclosures.

Letter from the Chief Commissioner of Mysore, No. 9004—50, dated 10th March 1875.

Letter from the Government of Bombay, No. 3, dated 5th January 1876, with enclosures.

Letter from the Government of Bengal, No. 446, dated 15th February 1876.

Letter to the Senior Chaplain, Church of Scotland, Calcutta, No. 409, dated 14th December 1875.

Letter from the Senior Chaplain, Church of Scotland, Calcutta, No. 896, dated 29th November 1875.

Letter from the Government of the North-Western Provinces, No. 612A., dated 3rd April 1875, with enclosure.

Letter to the Government of the North-Western Provinces, No. 199, dated 15th June 1875.

Letter from the Government of the North-Western Provinces, No. 2038A., dated 29th October 1875.

Letters from the Government of the Punjab, Nos. 1370 and 830, dated respectively 6th April 1875 and 7th March 1876.

Letter from the Chief Commissioner of the Central Provinces, No. 1018—39, dated 19th March 1876.

Letter from the Chief Commissioner of British Burma, No. 1726—260, dated 7th September 1875, with enclosure.

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(2) that the Officer Commanding the station may order a tree to be cut down in the cemetery or church compound without the Chaplain's consent;

(3) that it rests with the Chaplain to sell the trees cut down in the cemetery or church compound, the proceeds being paid in, as required by the standing rules, to the Civil Treasury to the credit of the Public Works Department; and

(4) that the consent of the Commanding Officer should be obtained in respect of all repairs or alterations over which he or the Cantonment Committee may exercise control under the Cantonment Rules and Regulations, *e.g.*, Rules 13 and 26 of Chapter IV.

These orders, however, do not interfere with the duty of the Chaplain to see that the cemetery is kept clean of rank vegetation, shrubs, and undergrowth which are not included under the designation of trees.

Home Department letter to the Ven'ble the Officiating Archdeacon of Calcutta, No. 148, dated the 26th June 1883.

Letter from the Resident at Hyderabad, No. 85, dated 29th November 1875, with enclosures.

Letter from the Chief Commissioner of Oudh, No. 4862, dated 18th October 1875, with enclosure.

Letter from the Chief Commissioner of Assam, No. 911B., dated 3rd July 1875.

Letter to the Chief Commissioner of Assam, No. 224, dated 20th July 1875.

Letter from the Chief Commissioner of Assam, No. 1152B., dated 16th August 1875.

RESOLUTION.—After consultation with the several Local Governments and Administrations, it was decided in February 1875 to reduce the cost of church establishments in India. To carry out this decision, the scale of charges (shown in the margin) was fixed for general adoption, with the reservation that in some places somewhat higher charges might be allowed under exceptional circumstances; and that in the case of third class (non-military) churches, with fluctuating and very limited congregations, a moderate fixed allowance might be granted for lighting and sacramental elements. In accordance with this decision, the several Local Governments and Administrations were requested to submit a fresh classification of military churches, and a scale of charges in accordance with the principles thus laid down.

First class (churches, the property of Government, containing more than 400 sittings at stations where there are European troops) :—

	Rs.
1 Clerk	12
1 Chowkidar-bearer ...	6
1 Water-carrier	5
1 Sweeper	4
Lighting	20
Total ...	47 a month.

Second class (churches, the property of Government, containing less than 400 sittings at stations where there are European troops) :—

	Rs.
1 Chowkidar-bearer ...	5
1 Sweeper	4
Lighting	10
Total ...	19 a month.

Third class (churches, the property of Government, at stations with no troops, or with only Native troops) :—

	Rs.
1 Chowkidar-bearer ...	5 a month.

2. After consideration of the reports called for, the Governor General in Council is pleased to pass the following orders.

3. If a clerk is now employed in any second class military church he need not be dismissed; the full reduction of the establishment must await the occurrence of a vacancy.

4. In Madras, including Mysore, but excluding Berar, there are 56 churches* and the cost of establishments on the scale laid down by the Government of India would amount to Rs. 700 a month as against a present charge of Rs. 1,917¼. The Government of Madras recommends, however, that the pay of chowkidar-bearers be fixed at Rs. 7 instead of Rs. 5 each a month; that an establishment of Rs. 47 a month be allowed to the church at Black Town; and that to five of the remaining 36 3rd class non-military churches, the marginally noted† special allowances be allowed. These proposals are approved with effect from 1st April 1877. A tabular statement showing the financial results of the measure, and including, as a temporary charge, the pay of such clerks as are now on the establishments of the 2nd class military churches, should be forwarded for formal sanction.

	Number of churches.
* 1st class (military) ...	8
2nd do. do. ...	6
3rd do. (non-military) ...	42
Total ...	56

	Rs.
† 1 Bearer	7
1 Sweeper	5
Lighting allowance ...	18
Total ...	30 each.

5. The Government of Bombay proposes (1) to raise the pay of chowkidar-bearer; (2) to allow a peon to each Chaplain; (3) to retain clerks for 2nd class military churches; (4) to do away with water-carriers and sweepers, and provide for their duties from the contingent allowance of Rs. 20 a month for lighting for 1st class churches; and (5) to allow a small contingent allowance to poor 3rd class non-military churches. The tabular statement submitted by the Bombay Government also shows other variations from the standard scale fixed in 1875. The Governor General in Council regrets that he is unable to sanction peons for chaplains in Bombay; but he is pleased to sanction the following

scale for adoption in the Bombay Presidency for 1st April 1877, with a request that a tabular statement showing the charges now made may be forwarded to Government for communication to the Audit Department :—

	1st class military churches.	2nd class military churches.	3rd class non-military churches.
1 Clerk	A	...	...
1 Chowkidar-bearer	7	7	7
Contingent allowance to cover lighting, and sweepers' and water-carriers' wages.	20	10	B.

A.—On the pay proposed by the Archdeacon of Bombay.

B.—A list of the poorer churches, for which a special contingent allowance is asked, should be entered in the tabular statement.

6. The proposal of the Government of Bengal in respect to the six military (1st class) churches, including the two within the Fort William, for which the authorised allowance of Rs. 47 month is considered to be sufficient, is sanctioned with effect from the 1st April 1876; Rs. 100 a month is also allowed for each of the four (3rd class) non-military presidency churches* from 1st April 1877, for two years, subject to reconsideration at the end of that period; and an allowance of Rs. 55 a month is sanctioned for St. Stephen's Church, Kidderpore, and the Church at Howrah, on the same terms. Considering the peculiar character of St. Andrew's Kirk in Calcutta, and its use by the military, the recommendation of the Reverend Mr. Thomson, for an allowance of Rs. 100 when there are two chaplains and Rs. 185 a month when there is one, is approved from the same date. The necessity for so large an allowance as † Rs. 32 a month for the care of the clock must be further established. The entire services of a competent Native artisan could probably be secured for a much smaller sum.

* St. John's.
Old Church.
St. James's.
St. Thomas's.

7. In respect to the non-military (3rd class) churches in Bengal, the Governor General in Council considers that the scale laid down in February 1875, should be more closely adhered to than is proposed by the Government of Bengal. The exceptional allowances there contemplated were intended only for churches with *fluctuating and limited congregations* and not for general adoption. The churches at Dacca, Cuttack, Berhampur, and other places do not appear to be of this class. His Excellency in Council desires, therefore, that the Government of Bengal will submit a tabular statement more in accordance with the scale laid down in February 1875, and showing the financial results of the arrangements now sanctioned for church establishments in Bengal.

8. The classification of churches, submitted by the Government of the North-Western Provinces, shows that there are 36‡ churches, the proposed cost for the establishments of which is Rs. 670. But it appears doubtful if this classification includes the Episcopalian and Presbyterian churches at Allahabad. This should now be made clear; and the church at Chunar should be ranked as a 3rd class (non-military) church, and not as a 2nd class military church. The usual tabular statement should also be submitted, showing the financial result of the charges now authorized with effect from the beginning of the next financial year.

‡ 7 (1st class) military, including 3 Roman Catholic Churches;
14 (2nd class) military, including 3 Roman Catholic Churches; and
15 3rd class (non-military) churches.

9. There are 48 churches in the Punjab, and the cost of the establisments proposed for them is Rs. 878 a month. It is also recommended that Rs. 50 a

† This charge was subsequently accepted by the Government of India as an ecclesiastical charge and as part of the Church allowance which is given in consideration of the benefit derived by the public from the use of the clock.—Letter to Government of Bengal, No. 316, dated the 27th September 1877.

month may be placed at the disposal of the Government of the Punjab for allotments when necessary to the poorer 3rd class (non-military) churches. The proposals of the Government of the Punjab are sanctioned with effect from 1st April 1877. The usual tabular statement should be submitted.

10. There are 15 churches in the Central Provinces, the cost of the establishments of which is Rs. 205 a month. Revised establishments as shown below are sanctioned for these churches, resulting in an increase of Rs. 17 a month over the existing charge :—

	Existing cost per mensem.	Now sanctioned per mensem.	
	Rs.	Rs.	
1st class church at Kanptee	71	47	A.
Ditto at Saugor	39	47	A.
2nd class church at Jubbulpore	38	31	B.
Ditto at Sitabuldi, Nagpur	40	31	B.
3rd class church at Nursingpur, Nimar and Seoni	17	18	
Ditto at 1 Chanda, 2 Wardha, 5 Bhandar, ...			
4 Raipur, 5 Hoshangabad, 6 Damoh, ...			
7 Betul and 8 Chindwara		48	
Total ...	205	222	
Increase ...		17	

A.—As detailed in paragraph 1 of this Resolution.

B.— Ditto plus the pay of a clerk, temporarily, as sanctioned in paragraph 3.

11. The Chief Commissioner of British Burma submits a list of church establishments in that Province, and recommends "that the establishments should be restricted to the scale fixed by the Government of India; but that the rates of pay should be in accordance with those which are customary throughout Burma, where the cost of living is greatly in excess of that of India." He also recommends that an allowance of Rs. 30 a month may be granted to the Roman Catholic Church at Thayetmyo. In accordance with these recommendations the establishments noted below, which are in conformity with the scale laid down in February 1875, are sanctioned for the churches in British Burma with effect from 1st April 1877 :—

	1st class Rangoon Church.	1st class Rangoon Town.	1st class Thayetmyo Protestant Church.	2nd class Thayetmyo Roman Catholic Church.	1st class Toungoo.	3rd Class.				Total.
						Bassein.	Moulmein.	Akyab.	Kyouk Phyoo.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1 Clerk	12	12	12	...	12	...	...	...	...	48
1 Chowkidar-bearer	10	10	10	10	10	10	10	8	8	86
1 Water-carrier, ...	9	...	10	...	8	...	...	...	...	27
1 Sweeper	6	6	5	5	6	...	...	...	...	28
Lighting, &c.	30	15	30	15	15	...	...	...	5	110
	67	43	67	30	51	10	10	8	13	299
Present cost	95-8	67-10	80	...	55	10	114	15	...	437-2
									Decrease ...	138-8

12. In addition to the higher rates of pay for chowkidar-bearers on account of the prevalent wages in the Hyderabad Assigned Districts, the Resident at Hyderabad proposes to add 8 peons at a cost of Rs. 56 a month to the authorised scale of church establishments. The Governor General in Council regrets that he is unable to depart from the scale already fixed, but is pleased

to sanction the other proposals as shown below from the beginning of the next financial year:—

	Clerk.	Chowkidar-bearer.	Water-carrier.	Sweeper.	Lighting, &c.	Total.	Existing cost.	Saving.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st class church at Secunderabad	12	6	5	4	20	47	64	17
Ditto at Trimulgherry	12	6	5	4	20	47	47	...
2nd class church at Bolaram	8*	6	...	4	10	28	51	23
3rd Ditto at Aurangabad	...	8	...	...	...	8	33	25
Ditto at Jalna	...	8	...	...	...	8	7	1
Ditto at Hingoli	...	8	...	...	...	8	20	12
Paid from Berar Revenues.								
3rd class church at Akola	...	8	...	...	...	8	48	40
Ditto at Ellichpore	...	8	...	...	...	8	27	19
Ditto at Amraoti	...	8	...	...	...	8	48	40
Total ...	32	64	10	12	50	170	305	175

*Till vacancy occurs.

13. The list submitted by the Chief Commissioner of Oudh shows that there are only six churches in Oudh—three of the first and three of the second class. The proposed classification of these churches is approved with effect from 1st April 1877 with a request that a tabular statement may now be forwarded.

14. The Chief Commissioner of Assam states that there are in Assam six 3rd class non-military churches, and proposes to pay the chowkidar-bearers at Rs. 10 each a month, remarking that "this is the lowest salary on which a servant can be entertained to perform the above duties in this Province." The Governor General in Council sanctions a chowkidar-bearer for each of the churches in Assam on the pay of Rs. 6 each a month from 1st April 1877, and requests that the usual tabular statement may now be forwarded.

Extract from the Proceedings of the Government of India, Department of Finance and Commerce, No. 3874, dated Simla, the 3rd November 1881.

Read again—

(1) Resolution of the Government of India in the Financial Department, No. 2202, dated the 15th August 1876, directing a reduction of minor charges on account of Church Establishments in India, and fixing the scale of charges shown below for general adoption, with effect from the 1st April 1876 in some and from the 1st April 1877 in other cases.

First Class.—(Churches, the property of Government, containing more than 400 sittings at stations where there are European troops.

	Rs.
1 Clerk	12
1 Chowkidar-bearer	6
1 Water-carrier	5
1 Sweeper...	4
Lighting	20
	47 a month.

Second Class.—(Churches, the property of Government, containing less than 400 sittings at stations where there are European troops.)

	Rs.
1 Chowkidar-bearer	5
1 Sweeper...	4
Lighting	10
	19 a month.

Third class.—(Churches the property of Government, at stations with no troops or with only Native troops).

1 Chowkidar-bearer ... ... Rs. 5 a month.

(2) Order No. 572, dated the 12th May 1881, forwarding a copy of the above-mentioned Resolution to the Military Department for information and guidance, with the intimation that the scale of charges mentioned above (which are debitable to the Military Department on account of Roman Catholic Churches, should have effect from the 1st April 1880.

Read also—

(3) A letter from the Military Department to the Controller of Military Accounts Bengal, No. 1246S. D., dated the 26th August 1881, sanctioning, as a very special case, the grant to the Roman Catholic Chaplain, Fort William, of the difference of lighting allowance between Rs. 33 and Rs 47 a month, with arrears from the 15th August 1876 up to the 1st January 1881, and intimating that final orders in regardto the allowances admissible to Roman Catholic Churches generally will be shortly passed.

Resolution.—On reconsideration, the Governor General in Council is pleased to declare that the Resolution of the 15th August 1876 read in the 1st section of the preamble is inapplicable to Roman Catholic Churches. Those churches are mostly not the property of Government, and it is only to churches owned by Government that the Resolution applies. Moreover, the application of the Resolution to Roman Catholic Churches would have the effect in the majority of cases of largely reducing the allowances now given to them, and the Governor General in Council does not consider that their reduction would be expedient.

2. Under this decision the increased grant passed in the Military Department for the Roman Catholic Church of St. Patrick, Fort William, should be discontinued.

No. 7, dated Fort William, the 9th January 1878

From—J. O'Kinealy, Esq., Officiating Secretary to the Government of India,

To—The Secretary to the Government of Madras.

I am directed to acknowledge your letter dated the 2nd January 1877, No. 2, submitting for approval the Proceedings of the Madras Government determining the proposed scale of establishment for the Cathedral.

2. In reply, I am to say that the Governor General in Council is pleased to fix a limit of Rs. 400 per mensem as the maximum grant towards the maintenance of the establishment of the Cathedral with effect from the 1st April 1878.

No. 9, dated Fort William, the 9th Jauuary 1878.

From—J. O'Kinealy, Esq., Officating Secretary to the Government of India,

To—The Secretary to the Government of Bengal.

With reference to paragraph 8 of your letter, dated the 5th February 1877, No. 376, regarding the establishment at St. Paul's Cathedral, Calcutta, I am directed to say that the Governor General in Council is pleased to comply with the recommendation of His Honour the Lieutenant-Governor, and sanctions the continuance of the Government grant of Rs. 400 per mensem at present made towards the maintenance of the Cathedral establishment.

No. 11, dated Fort William, the 9th January 1878.

From—J. O'Kinealy, Esq., Officiating Secretary to the Government.

To—The Secretary to the Government of Bombay, Ecclesiastical Department.

With reference to the correspondence ending with your letter dated the 29th November last, No. 249, regarding the establishment at St. Thomass'

Cathedral, Bombay, I am directed to observe that it appears from the papers submitted that the cost of the Cathedral establishment and contingent charges amounts to Rs. 1,084 per mensem, and the Trustees of the Cathedral object to any reduction being made, holding that under the trust deed they have an indefeasible right to claim from Government both establishment and contingent charge on the existing scale.

2. The Governor General in Council does not admit that the Trustees alone have the power to decide the question at issue, but His Excellency in Council does not desire to press the matter, and leave it to be settled by the Bombay Government on the most favourable terms which may be found possible.

3. I am to add that a maximum grant of Rs 400 per mensem has been fixed for the Cathedrals at Calcutta and Madras.

Extract from the Proceedings of the Government of India in the Department of Finance and Commerce, No. 4016, dated Simla, the 9th November 1881.

Read—

Office-memorandum from the Military to the Home Department (Ecclesiastical), No. 1618S.D., dated the 17th October 1881, proposing a general rule to regulate the incidence of charges on account of clerical and menial establishments for religious services in connection with the troops.

The undersigned is desired to acknowledge the receipt of the docket from the Home Department, No. 75, dated 5th May 1881, on the subject of the provision of a clerical and menial establishment for Presbyterian religious service in connection with troops. The case in point is that of the 72nd Highlanders.

Original enclosure returned.

2. In reply he is to forward the correspondence marginally noted, and to suggest that as (in regard to the general question) there would seem to be some doubt as to the proper incidence of charges on account of such establishments, the present opportunity be taken to settle the question finally.

From Adjutant General in India, No. 2795B., dated the 29th June 1881.
From Controller of Military Accounts, Bengal, No. 10642. (Return requested.)

3. The present rule as regards chaplains is understood to be as follows, *viz.* :—

The Church of England Chaplains and the Church Establishments are paid in the Civil Department, even though employed in a cantonment solely for the use of the troops.

The pay of the Roman Catholic Chaplains and of the chapel establishment engaged in the service of the troops is borne by the Military Department.

The pay of Presbyterian Chaplains and of the church establishments at ordinary stations is borne by the Civil Department, but the pay of Presbyterian Chaplains with Highland regiments is a military charge.

4. It seems, therefore, to the Military Department right that the charge on account of establishments for the church services of Highland regiments should also be a Military charge, when the chaplain employed in the services is paid by the Military Department, and that in all other cases where there is a service performed for Presbyterian troops by a civil Presbyterian, Wesleyan, or other chaplain, the charge for his services and any temporary establishment should be borne by the Civil Department.

5. The Military Department consider that the above would be a clearly defined rule which would prevent the mistakes which appear to have been made on more than one occasion in regard to the debit of such charges, and the undersigned is to recommend its adoption to the Home Department.

* * * * * *

RESOLUTION.—The rule proposed in paragraph 4 is sanctioned.

APPENDIX B.

Extract from Proceedings of the Government of India in the Home Department,—Nos. 2275 to 287 (Ecclesiastical), under date Simla, the 8th September 1875.

Read the undermentioned correspondence relative to a proposed revision of the rules at present in force for the guidance of Chaplains of the Church of England in regard to the burial of such persons as have laid violent hands upon themselves; and of those who having been members of the Roman Catholic Church, have been refused burial by the Priests of that Church—

From Government of Fort St. George, No. 142, dated 12th June 1874, and No. 203, dated 28th August 1874.

To Solicitor to Government, No. 327, dated 22nd September 1874.

From ditto ditto, No. 2316, dated 26th September 1874.

From the Lord Bishop of Calcutta, dated 13th January 1875.

RESOLUTION.—The first question was raised by the refusal of the Reverend C. H. Deane, Chaplain of Bangalore, to read the funeral service over a person who was found by a Court of Inquest to have committed suicide while in a state of temporary insanity.

2. The subjoined letter* from the Reverend C. H. Deane sets forth the ground of his refusal :—

* To Mr. Knox, dated 2nd January 1874.

"When I answered your memorandum about the interment of the remains of the late Sergeant Spiers of the 18th Hussars, I was not aware that he had committed suicide. If, as I understand, there is no doubt that he poisoned himself, I regret to say that I shall not be able to officiate at his funeral. The Rubric before the burial service distinctly forbids it to be used for any that 'have laid violent hands upon themselves,' so that I have no option in the matter. The grave will be ready at 5 P.M., but no service can be used.

3. The view taken of the question by the Right Reverend the Bishop of Madras is stated in the subjoined letter : †

† To the Acting Chief Secretary to the Government of Fort St. George, No. 483, dated 24th March 1874.

"I am directed by the Right Reverend the Bishop of Madras to acknowledge your communication of the 17th ultimo, forwarding copy of a letter from the Deputy Adjutant General, transmitting correspondence relative to the Reverend C. H. Deane's refusal to read the funeral service over the late Sergeant Spiers, 18th Hussars, who committed suicide.

"2. In reply, I am desired to state that Mr. Deane seems to have been requested to perform the funeral without having been furnished with the customary death-report or any intimation that it was a case of suicide.

"3. The Coroner's warrant in itself appears to be 'no more than a certificate that the body is not demanded by the law, and that therefore the relations may dispose of it as they please.'—(Wheatley on the Book of Common Prayer.) It does not, therefore, indicate the duty of a clergyman, or place him under legal obligation to give to a body Christian burial.

"4. In keeping with this view, the Government Notification in *Fort St. George Gazette*, June 11th, 1850, page 623, when it intimates that 'the Reverend Chaplains will in future consider the warrant of the Coroner for the interment of a body on which an inquest has been held to be a sufficient authority for their performance of the burial service over it,' adds, 'if it would be their duty, under ordinary circumstances, to perform that service.'

"5. What is the duty of a Clergyman when requested to bury a person who has committed suicide is to be ascertained partly from the Rubrics of our Church, which are binding upon the Clergy and have the force of law; and partly from the limitations of recognised legal commentators.

"6. The Rubric at the opening of 'the Order for the Burial of the Dead forbids a Clergyman 'to use that service for any that have laid violent hands upon themselves.'

"7. In Burn's 'Ecclesiastical Law' it is laid down: 'Of this sort [suicide] are to be understood not all who have procured death unto themselves, but who have done it voluntarily, and consequently have died in the commission of a mortal sin; and not idiots, lunatics, or persons otherwise of insane mind.'

"8. In the same book it is also stated that 'the proper judges whether persons who died of their own hands were out of their senses are doubtless the Coronor's jury.'

"9. In case under consideration it appears that the Reverend Mr. Deane, having regard only to the Rubric and *foro conscientiæ* accounting himself responsible for the interpretation of it, refused to bury the corpse even when he knew that the Coroner's jury had returned a verdict of 'temporary insanity.'

"10. In this refusal, I am instructed to state that Mr. Deane has not, so far as the Bishop can ascertain, violated any law, but he has departed from a recognised custom in not accepting the verdict of the Coroner's jury as a justification for the using of the Church's Service over the remains of Sergeant Spiers.

"11. Mr. Cripps, in his 'Practical Treatise on the Law relating to the Church and the Clergy' [Ed. 1869],* states 'No case appears ever to have occurred in which a clergyman who has refused to bury the corpse of one who has committed suicide in insanity has been punished by the Ecclesiastical Law.' At the same time he adds: 'It must be doubtful whether a departure from a custom of such acknowledged propriety would not be visited with ecclesiastical punishment.'

* Page. 793.

"12. In the absence of any Court competent to visit with ecclesiastical punishment, the Bishop desires me to point out that it is very painful to a laborious and conscientious clergyman, such as Mr. Deane is, to deny the last offices of the Church to one who has been under his spiritual charge, and it must, the Bishop thinks, be allowed that there was much in the circumstances of the present case to support the conclusion at which Mr. Deane arrived. I am, therefore, directed to say that His Lordship is disposed to take a lenient view of Mr. Deane's action, and the more so as those who are endeavouring to check the prevalence of intemperance in the army can ill afford to lose any aid which a Clergyman in the honest discharge of his duty can lawfully render."

4. The Government of Madras referred the whole correspondence for the information and orders of the Government of India.

5. The following brief statement of the English Law will be found sufficient for the present purpose: By Common Law Christian persons are entitled to burial with the rites of the Church. The Statutes passed from time to time for the uniformity of public worship have proceeded upon, though not expressly dealing with this state of things. The 68th of the Canons of 1603 recognises it, and enjoins the Clergy to act upon it. In that Canon occurs the exception of persons excommunicated for some grievous and notorious crime, and of whose repentance no testimony could be given. The Canons of 1603 are no part of the Statute Law, and it is only in a qualified sense that they are part of the law at all. But this Canon has been taken as truly expressing the ancient Common Law of the Church. The Books of Common Prayer have been embodied into the Statute Law by the various Acts of Uniformity, and Rubrics are authoritative guides when they speak on the question when the services are or are not to be used.

6. Down to the year 1661 there was no Rubric forbidding the performance of the Burial Service over any persons except persons excommunicated. The Rubric now in force was framed in the year 1661, and received the force of law from the Uniformity Act of 1662. It prescribes that "the office is not to be used for persons unbaptised or excommunicated, or who have laid violent hands on themselves."

7. The question now is whether the expression "have laid violent hands on themselves" includes all who have committed the overt act of suicide, or

only those who have done so deliberately being in their sound senses and in a state in which moral responsibility attaches to them.

8. In Mr. Cripp's* Treatise the following statement is made:—

* Page 793.

The uniform practice, however, so far as it has been able to be ascertained, is in accordance with the reasoning and opinion of Dr. Burn, and it must be doubtful whether a departure from a custom of such acknowledged propriety would not be visited with ecclesiastical punishment.

9. The opinion of Dr. Burn will be found in his work on Ecclesiastical Law, Vol. I, p. 265. After referring to the ancient Canon which forbade Christian burial to those who violently put themselves to death, and stating that this rule was understood to apply to those who did the act voluntarily, Dr. Burn intimates that the Rubric should not be construed as severer than the preceding Ecclesiastical Law, and therefore should not apply to persons of insane mind.

10. In the year 1809 the Court of Arches, speaking of the treatment of suicides, puts it on the ground that they are supposed to die in the commission of mortal sin, and to have renounced Christianity. *Kemp* versus *Wickes*, 3 Phillimore, pp. 272, 273.

11. The Government of India have not been referred to, and do not know of, any authority for holding that the words of the Rubric apply to persons who are not responsible for their actions. It is certain that the practice has not been to apply these words in that way.

12. Under the circumstances the Governor General in Council comes to the following conclusions:—

(*a*) It is reasonable in this matter to regulate the conduct of Clergymen of the Church of England, who serve the Governmet of India, by the law and practice of the Church of England.

(*b*) There is no authority for holding that the Rubric under consideration applies to those who have caused their own death when in a state of mental insanity. For holding the contrary there is the authority of commentators and of judicial *dicta*. There is also the much greater authority derived from a usage which is very widespread and long continued, if indeed it is not quite unbroken. Testing the question by reason, it is only reasonable to hold that the framers of this Rubric did not intend as regards the burial of suicides to alter the law and practice that they found in existence, or to visit with what must be considered as an ecclesiastical penalty, an act for which the doer is not responsible.

(*c*) Sincere respect is due to the scruples felt by conscientious men in performing a service of extreme solemnity. Nevertheless, it would not be reasonable that such scruples should prevail against the ancient law and practice of the Church of England which has been handed down to the present time, and which plainly authorises the use of the burial service over persons who have caused their own death while in a state of insanity.

13. The Governor General in Council must therefore require from all Clergymen connected with the Government their conformity to this ruling.

14. The next point for consideration is the rule requiring Chaplains to read the funeral service over the bodies of persons who, having died in the profession of the Roman Catholic faith, have been refused burial by the Priests of that Church. It is stated by the Bishops of Calcutta and Madras that the Clergy of the Church of England look upon the rule as bearing hardly upon them, and they desire to have it reconsidered.

15. This rule was laid down in the year 1855 under the belief that the case was governed by positive law, *viz.*, the 68th of the Canons of 1603. But

on reconsideration of the matter the Governor General in Council is of opinion—*1st*, that the Canon in question which is founded on the English parochial system cannot for the purpose now under consideration be applied to the very different circumstances of an Indian station; and *2ndly*, that even if it were applicable it would not prevent the Government from establishing a different rule of conduct for Indian Chaplains if found expedient.

16. The Governor General in Council further thinks that for the case now under review a different rule is expedient. The Chaplain of an Indian station does not stand to the residents in the station in the relation which the Parson of an English parish bears to his parishioners. It was expressly so ruled by the Court of Directors in their despatch on this subject bearing date the 30th October 1844. Chaplains have been ordered to abstain from endeavours to influence the religious tenets of Roman Catholic soldiers, and in one case a Chaplain was compelled to resign the service for persisting in such endeavours.

17. As regards the Chaplains themselves, it does not seem consistent that they should be compelled to perform duties towards the corpse of a man whom when living they were forbidden to approach in any pastoral relation, and the Governor General in Council admits that the dissatisfaction which the Chaplains have felt with the order of 1855 rests on reasonable grounds.

18. As regards other persons, it can hardly be agreeable to the feelings of either Protestants or Roman Catholics that the Chaplain should be called in to supply a service which the Priest has refused. To Protestants it must seem that in so acting their Church is lax and careless about the performance of its solemn rites. To Roman Catholics it can hardly be otherwise than offensive that a stranger, who in their eyes has no authority, should affect to give to a member of their Church what the recognised authority of that Church has thought fit to withhold. And neither community can wish it on account of any advantage to the dead man: not Protestants, because the whole notion of such an advantage is contrary to their tenets; and not Roman Catholics, because they do not attribute any spiritual character to the Chaplain.

19. For the above reasons the Governor General in Council is pleased to revoke the order issued in the year 1855, and he will request the Military authorities to make arrangements for the decent burial of Roman Catholic soldiers to whom the rites of their Church have been refused by the Priests.

Extract from the Proceedings of the Government of India in the Home Department (Ecclesiastical), No. 159, under date Simla, the 6th June 1877.

Read again—

Home Department Resolution No. 275—287, dated the 8th September 1875, laying down certain rules for the guidance of Chaplains of the Church of England in regard to the burial of suicides, &c.

Read also—

Office-memorandum from the Military Department, No. 810, dated the 16th November 1875, forwarding, for an expression of opinion, a draft General Order which His Excellency the Commander-in-Chief proposes to issue on the subject in accordance with the above rules.

RESOLUTION.—On a reconsideration of the subject, the Government of India think it necessary to modify the rules contained in the Resolution of 8th September 1875, so far as regards the burial of deceased Roman Catholics. The Government of India have now decided:—

1st, that at stations where there is a Roman Catholic Priest drawing an allowance from Government, he shall be held bound to read the burial service over the body of every deceased Roman Catholic soldier brought for burial, unless he be excused from doing so by the Rubrics and Canons of the Roman Catholic Church: and that when the Roman Catholic Priest refuses to read the burial service over the body of a deceased Roman Catholic soldier, the military authorities shall make proper arrangements for the decent interment of the corpse;

2ndly, that where there is no Roman Catholic Priest paid by the State, the Protestant Chaplain shall, if requested by the friends of the deceased, or by the Officer Commanding, be bound to bury the deceased according to the rites and ritual of the Church of England, except in either of the three cases in which Protestant Chaplains in India are excused from burying a deceased Protestant, *viz.*, dying unbaptised even by lay baptism; excommunicated by the major excommunication; or declared to be *felo de se*; and that when a Protestant Chaplain refuses to officiate at the burial of a deceased Roman Catholic soldier, on either of the three abovementioned grounds, the military authorities shall, as in the case of refusal by a Roman Catholic Priest, make proper arrangements for the decent interment of the corpse;

3rdly, that whenever, with or without furnishing any explanation of his reasons, a Roman Catholic Priest paid by the State or a Protestant Chaplain refuses to perform the funeral rites of his Church over the body of a deceased Roman Catholic soldier, the circumstances of the case should be fully reported by the military authorities for the consideration and orders of the Government.

2. The Governor General in Council is accordingly pleased to direct the modification in the above sense of the provisions of paragraphs 15 to 19 inclusive of the Resolution, 8th September 1875.

NOTES.—(1) The expression "proper arrangements for the decent interment of the corpse" in Rules 1 and 2 means that when both the Roman Catholic and Protestant Chaplains refuse burial in a case of suicide by a Roman Catholic soldier whilst of unsound mind, the burial service should be read over the body by the Officer Commanding the deceased's Company.

Letter to Government of Madras, No. 347, dated the 31st October 1877.

(2) The intention of the passage "bound to bury the deceased according to the rites and ritual of the Church of England" in Rule 2 is, that the service of the Church of England should be read over the body, if the Protestant Chaplain is requested by the friends of the deceased to do so; but the rule does not in any way re-impose on Protestant Chaplains the burden of reading the burial service over either soldiers or civilians to whom a Roman Catholic Chaplain has refused burial. There is nothing to prevent a Chaplain burying any one if he chooses to do so, provided they are not unbaptised "even by lay baptism," excommunicated by the major excommunication, or declared to be *felo de se*, only the Protestant Chaplain is no longer bound to do so.

Letter to Government of Madras, No. 347, dated the 31st October 1877.

(3) The expression "unbaptised even by lay baptism" in Rule 2 is equivalent to unbaptised by either clerical or lay baptism." The meaning intended to be conveyed is that baptism, either by lay or clerical, is sufficient to prevent a person from being regarded as "unbaptised" for the purposes of the rule.

Letter to Chief Commissioner of British Burma, No. 194, dated the 2nd June 1879.

(Signed.) A. MACKENZIE,
Secretary to the Government of India.

No. 1-116.

Copy forwarded to all Local Governments and Administrations, Financial Department, Military Department, Public Works Department, and to the Bishop's Chaplain, for information.

By order,

(Signed) F. C. DAUKES,
Under-Secretary to the Govt. of India.

Circular No. 15 Public Works.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.

General.

To

THE GOVERNMENTS OF MADRAS, BOMBAY, BENGAL, THE NORTH-WESTERN PROVINCES AND OUDH, AND THE PUNJAB.
THE CHIEF COMMISSIONERS, CENTRAL PROVINCES, BRITISH BURMA, ASSAM, AND COORG.
THE RESIDENT AT HYDERABAD.
THE AGENTS TO THE GOVERNOR GENERAL FOR CENTRAL INDIA, RAJPUTANA AND BILUCHISTAN.
THE SUPERINTENDENT OF PORT BLAIR AND CHIEF COMMISSIONER, ANDAMAN AND NICOBAR ISLANDS.
THE INSPECTOR GENERAL OF MILITARY WORKS.
THE SUPERINTENDENT OF WORKS, SIMLA IMPERIAL CIRCLE.
THE ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT.
THE DIRECTOR GENERAL OF RAILWAYS.

Simla September 25, 1885.

The undersigned is directed to forward, for information and guidance, the accompanying revised rules relating to Churches and Cemeteries, and to request that those which concern the Public Works Department may be brought into operation in supersession of the rules contained in Chapter XI, Section V, of the Public Works Code.

Part I.—Rules for the care and use of Government cemeteries, except those in the Presidency Town of the Diocese of Calcutta.
Part II.—Rules for the levy and expenditure of fees on graves and monuments in churches and cemeteries.
Part III.—Rules for the levy of other ecclesiastical fees.
Part IV.—Rules for regulating grants for the building of Churches; compensation for accommodation provided for soldiers and others in Chapels neither belonging to, nor rented by, Government, and for the supply of Church furniture.

By order,

A. G. BEGBIE, Major, R.E.,

Under-Secretary.

Documents accompanying.

Home Deparment Notification No. 103, dated 20th June 1885, containing rules referred to.

Copy forwarded, for information, to the Resident at Mysore (through Foreign Department); the Director General of Telegraphs; the Director-in-Chief, Indo-European Telegraph; the Director, Persian Telegraph; the Director, Persian Gulf Telegraph; the Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow; the Comptroller General and the Accountant General, Bengal.

A. G. BEGBIE, Major R.E.,

Under-Secretary.