P.W.C. No. 8359.

Govt. of {1889} Madras.

ECCLESIASTICAL.

13.Sc

Issued

Recd. 6-9-89 Encl.

G.O., 20th August 1889, No. 89.

No. 2586 Wd/19th Sept. 1889

AUGUST.

Cemetery Rules.

Certain questions regarding the interpretation of — embodied in Part I of the Home Department — notification recorded in G.O., No. 141, dated ... 1885, answered.

1887 W 7 14/8/85

No. 2586 Wd/19 Sept. 1889

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Communicated to
Communicated to
Officers of the Pr. Dept.
Officers of the Mo. Dept.
with reference to
with reference to
Appendix D, Pr. Code
Appendix D, P.W.
Code.

9.9.89

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Desd.
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(ii) Whether it would not be advisable to omit the last three sentences of Rule VII (1), so far as the Presidency town is concerned.

(iii) On whom should devolve the responsibility of sending to the Resident Chaplain, or other officer in charge of the cemetery, the previous notice required by Rule VII (1) and the certificate of burial prescribed in Rule VII (2).

(iv) How the cemetery book is to be written up as required by Rule X if the certificate of burial prescribed by Rule VII (2) should be forwarded to the Registrar of Births, Marriages and Deaths.

2. As regards the first question, the Government accepts the views of the Right Rev. the Bishop that, there being no special regulations for Government cemeteries in the town of Madras, the exception in section XXIV of the Cemetery Rules does not apply, and that Rules I-XXIII are consequently already in force there.

3. The Government is not prepared to approve the suggestion that the sentences relating to previous notice should be expunged from Rule VII (1). The inconveniences that might arise if burials were carried out without such notice are pointed out in the enclosure to the Bishop's second letter read above.

4. In regard to the third question, the Government is of opinion that the notice required under Rule VII (1) should be given—

(*a*) in the case of ordinary military funerals by the Commanding Officer or Adjutant;

(*b*) in the case of Staff Officers by the District Staff Officer;

(*c*) in all other cases by some relative or friend of the deceased.

The certificate under Rule VII (2) should be drawn up by the Chaplain himself whenever he officiates at the funeral. In cases where the Chaplain does not conduct the funeral, the certificate should be drawn up by the priest, minister or other person officiating and sent to the Chaplain or other officer in charge of the cemetery. Even when the certificate is intended to go to the Registrar of Births, Deaths and Marriages, it should be forwarded through the officer in charge of the cemetery, so that the cemetery book may be kept up.

5. With reference to the concluding portion of the late Mr. Jollie's letter, dated 25th May 1889, it is observed that a Government cemetery specially reserved for the exclusive use of a particular denomination is not a "general cemetery" within the meaning of section I of the Cemetery Rules.

(True Extract.)

Chief Secretary.

To the Right Rev. the Bishop of Madras.
" the Venerable the Archdeacon.
" the Most Rev. Archbishop Colgan.
" the Senior Chaplain of the Church of Scotland.
" the President, Municipal Commission, Madras.
" the Secretaries of Missionary Societies.
" the Registrar-General of Births, Deaths and Marriages.
" the Military Department.
" the Public Works Department.
" all District Magistrates.

A. Raitt.

VII (1), and to Rule VII (2), and Rule X of the Cemetery Rules of 17th July 1885, No. 141:—

(1) Rule VII (1).—When a funeral is to take place in a part of the cemetery other than that assigned to the Church of England, whose duty is it to give the required six hours' notice to the Chaplain, or other person in charge of the cemetery?

In the case of military funerals, should the notice proceed from the hospital, from the orderly room, or from the Roman Catholic Chaplain or Non-Conformist Minister? And what should be the rule in the case of other than military funerals, whether at a military station or elsewhere?

(2) Rule VII (2) and Rule X.—By whom must the required certificate of burial be sent to the Chaplain, or officer in charge of the cemetery?

(3) Under Rule VII (2).—Is the person whose duty it is to send the certificate of burial exempted from sending it to the Chaplain or officer in charge of the cemetery, if only he has sent it to the Registrar of Births, &c.? If he is exempt, how is the necessary information to be supplied for the cemetery records?

2. These inquiries have arisen out of a letter from the Rev. F. Penny, Chaplain of Wellington, herewith enclosed.

ENCLOSURE.

From the Rev. F. PENNY, B.A., LL.M., Chaplain, to the Right Reverend the Lord Bishop of Madras, dated Wellington, 11th June 1889.

I have the honor to bring the following circumstance to your notice, and to request the favor of an authoritative interpretation of Rule VII (1 and 2) of the Cemetery Rules in force in this diocese.

2. On Saturday last it came to my notice that a funeral had taken place in the Wellington cemetery on the evening before, being conducted by the Roman Catholic Chaplain. I made inquiry of the European sexton in charge, but he knew nothing about it; he stated that no notice had been given to him, and, as he had finished his work for the day, he left early. I then questioned the native laborer who works under the sexton. His statement was that he was just going away when the funeral party arrived; he hastily opened the vestry, and got the boards ready, and the ropes, &c., and afterwards filled up the grave. You will observe that it was quite a chance that there was any one at the cemetery at all. If the funeral party had arrived a little later, the whole place would have been shut up, and the attendant gone.

3. Under these circumstances, I wrote to the Roman Catholic Chaplain to point out the necessity of giving the six hours' notice of a burial required by Rule VII of the Cemetery Rules. His reply was that he was aware of the rule, but that the rule did not say that *he* was the person to give the notice, and that he had never given notice before.

I therefore called upon him to inquire if he had any objection to give the notice, and to point out how necessary a notice was. He admitted the necessity, but thought that the notice ought to be given by the Military authorities, and not by himself; and suggested this reference which I am now making. He added that he had no objection to give the notice if he were ordered to do so; but that he did not consider that at present he was ordered to do so.

4. I may add that the Roman Catholic Chaplain is allowed a church orderly by the Military authorities; so that there will be no difficulty about the conveyance of the notice, should it be decided that the Roman Catholic Chaplain is the proper person to give it.

5. Secondly, your Lordship is aware that by Rule X the Chaplain has to keep an interment book, and to enter in it all the interments that take place in the cemetery. In Rule VII (2), it is ordered that a certificate of burial be sent to the Chaplain, that the proper entry may be made in this register book of interments. It does not however state *by whom* the certificate is to be sent. The Roman Catholic Chaplain has obliged me with particulars in this case, but adds that he does not consider that he is the person intended in the rule, as the rule at present stands.

The interment book cannot be properly kept, in accordance with the intention of Government, as laid down in Rule X, unless the following particulars are sent to the Chaplain:—

(1) Name of person buried.
(2) ... *of a child*, name of parents and rank of father.
(3) Date of death.

6. I have the honor to request that these two difficulties may be resolved for the future guidance of Chaplains.

From Lieut.-Colonel G. M. J. MOORE, President of the Municipal Commission, Madras, to the Chief Secretary to Government, dated Madras, 15th June 1889, No. H-259.

With reference to G.O., dated 4th April 1889, No. 27, Ecclesiastical (para. 4), I have the honor to state that I consider it very desirable that all the cemeteries in the city of Madras should be under one set of regulations.

2. This would be effected by making the rules under reference applicable to all.

From the Venerable J. F. BROWNE, B.D., Archdeacon of Madras, to the Chief Secretary to Government, dated Madras, 17th July 1889, No. 96.

Reference on No. 159 of 1889, dated 14th June 1889, forwarding letter from the late Rev. James Jollie, Senior Chaplain of the Church of Scotland, proposing alterations in Rule VII (G.O., No. 141, dated 17th July 1885), viz., that in (1) words from "at least" to the end of the paragraph be struck out, and calling for my remarks.

2. I have the honor to state that I consider the alteration would be desirable. It is often difficult to carry out the rule as it now stands, and it tends to create unpleasantness between Chaplains in charge of cemeteries and Ministers of other denominations.

3. With regard to the general question raised in the letter of the Acting Archdeacon, No. 193, of 30th October 1888, quoted in paragraph 4 of G.O., No. 27, Ecclesiastical, of 4th April 1889, I am personally inclined to think that G.O., No. 141, of 17th July 1885, applies, as it stands, to the cemeteries in Madras as well as to those in up-country stations.

4. The notification from the Government of India commences thus:—

"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, &c."

This appears to be definite and clear. The question is—Does Rule XXIV limit the application? I think not. The Presidency cemeteries there referred to are, I consider, "those in the Presidency Town of Calcutta," and not cemeteries in Presidency towns generally.

From the Rev. H. F. DOLL, Superintendent of the Strict Baptist Mission, Madras, to the Chief Secretary to Government, dated Madras, 25th July 1889, No. 6.

I have the honor, with reference to paragraph 4 of G.O., dated 4th April 1889, No. 27, calling for a report as to the applicability of the Cemetery Rules (1 to 23) to the Presidency town, to submit the following remarks for the consideration of His Excellency the Governor in Council:—

It does not seem desirable that the rules in question should be applied to the Presidency town; because they are, on the whole, not satisfactory and fair to all denominations of Christians.

I am of opinion that the application of the Burial Laws Amendment Act of 1880, *mutatis mutandis*, might be sufficient, if new legislation is not considered necessary.

ORDER—dated 20th August 1889, No. 89, Ecclesiastical.

The papers read above raise the following questions regarding the interpretation of the Cemetery Rules embodied in Part I of the Home Department notification recorded in G.O., No. 141, dated 17th July 1885:—

(i) Whether Rules I to XXIII apply at present to general cemeteries in the town of Madras, and if not, whether they should be made applicable thereto.

GOVERNMENT OF MADRAS.

ECCLESIASTICAL DEPARTMENT.

READ—again G.O., dated 4th April 1889, No. 27, Ecclesiastical, paragraph 4.

READ—also the following papers:—

From the Rev. W. WACE, Acting Bishop's Chaplain, to the Chief Secretary to Government, dated Ootacamund, 13th May 1889, No. 793.

With reference to G.O., 4th April 1889, No. 27, Ecclesiastical, I have the honor, by desire of the Right Reverend the Bishop, to state that though Rule XXIV of the Cemetery Rules in G.O., dated 17th July 1885, No. 141, may appear at first sight to except the cemeteries in the Presidency town of Madras from the operation of Rules I—XXIII, yet, as there are believed to be no special Government rules for the regulation of those cemeteries, the Madras Presidency cemeteries seem not to be excepted by Rule XXIV; but that, in his opinion, it is desirable that Rules I—XXIII should be applicable to the Madras Presidency cemeteries, and therefore that it would be well if Government would either make or interpret (whichever may be found right) Rules I—XXIII to be applicable to the cemeteries of the Presidency town of Madras.

From the Rev. J. JOLLIE, Senior Chaplain, Church of Scotland, to the Chief Secretary to Government, dated Madras, 25th May 1889, No. 30.

[*Reference*—G.O., 4th April 1889, No. 27.]

Regarding the suggestion in paragraph 7 of the Venerable the Archdeacon's letter, No. 193, dated 30th October 1888, I have the honor to make the following remarks:—

(1) It is of great advantage to have one officer in charge of the whole of a general cemetery, and no one could fill this post more appropriately than the Church of England Chaplain of the district in which the general cemetery is situated.

(2) Rule VII (1) of the Cemetery Rules in G.O., dated 17th July 1885, No. 141, may answer at up-country stations; but in Madras, where the distances are so great, and where, during the long hot season, funerals often take place on short notice, it might cause great inconvenience. Accordingly, I am of opinion that ministers other than those of the Church of England should retain the liberty of sanctioning the interment, in their respective portions of the cemetery, of deceased members of their congregations, which they at present have; and that, with reference to the Presidency town, the following portion of Rule VII (1) should be struck out, viz., from the words "at least" to the word "necessary."

(3) I have had no experience of general cemeteries in Madras, and the proposal of the Venerable the Archdeacon cannot extend to a cemetery like St. Andrew's, which is strictly connected with the Church of Scotland, and under the sole charge of the Chaplain and Kirk Session of St. Andrew's Church.

From the Rev. W. WACE, Acting Bishop's Chaplain, to the Chief Secretary to Government, dated Ootacamund, 18th June 1889, No. 805.

I have the honor, by desire of the Right Reverend the Bishop, to submit, for the decision of His Excellency the Governor, the following inquiries relating to Rule