(1) பக்கங்களின் எண்ணிக்கை 16

(2) புதுக்கித் திருப்பிய நாள் 3/90

(3) ஆதாரங்குறிப்பவர் கருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

D.ய

துறை

அரசாணை எண்.
மு. கோப்புத் தாள் எண். 3277

அச்சகம்
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நாள் : 9.12.1990

1988.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண. எ-1—18,000—15-6-87.

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GOVERNMENT OF MADRAS.

ECCLESIASTICAL DEPARTMENT.

READ—the following papers:—

From the Venerable J. F. BROWNE, D.D., Archdeacon of Madras, to the Chief Secretary to Government, dated Madras, 28th May 1890, No. 349.

I have the honor to forward, for the consideration and orders of Government, a report sent to me by the Rev. D. W Kidd, B.A., Acting Garrison Chaplain, Fort St. George, on certain circumstances in connection with a military funeral which took place on 21st May 1890.

2. Mr. Kidd's report enters fully into every particular of the case, which briefly stated is as follows:—

On the 20th May, Store Sergeant Jeffries of the Ordnance Department died and a funeral notice from the undertaker and death report from the Ordnance officer were sent to the Rev. D. W. Kidd.

3. Finding that the man was a Wesleyan, Mr. Kidd returned the death report to the officer, stating that it must have been sent to him by mistake, also stating that he supposed that the body would be buried where Wesleyans usually are buried, St. Mary's cemetery being only for those over whom a clergyman of the Church of England says its burial office.

4. Notwithstanding this, a subordinate officer was sent to Mr. Kidd to make arrangements for the funeral to take place at St. Mary's and the service to be read by Mr. Kidd, in which arrangement the widow of the late Sergeant Jeffries acquiesced.

5. The Wesleyan chaplain, who had received a funeral notice from the undertaker, with "St. Mary's cemetery" altered to the "general cemetery," now called on Mr. Kidd with a request that the funeral might still take place at St. Mary's, but that he should officiate, making this claim under G.O., dated 4th April 1889. Mr. Kidd, in reply, stated that, as he had been requested to conduct the service at St. Mary's cemetery, if the body was brought there, he should do so, the Wesleyan chaplain being by the very order quoted precluded.

6. At the cemetery the next morning, the officer in charge of the funeral party informed Mr. Kidd that, as the man was a Wesleyan, the Wesleyan chaplain, who was present, must officiate and gave Mr. Kidd five minutes to consider. Hearing from Mr. Kidd that he was acting under a Government order, he asked to see it and delayed the funeral till the same had been fetched from the chaplain's quarters in the Fort.

7. On the production of the G.O., No. 27, Ecclesiastical, dated 4th April 1889, the officer acknowledged the correctness of Mr. Kidd's statement, but still persisted in the right of the Wesleyan chaplain to officiate, or, I presume, by way of compromise, suggested he should read the service himself.

8. The Wesleyan chaplain having been informed by Mr. Kidd that he could not officiate in St. Mary's cemetery, left the ground and the service was proceeded with.

9. In forwarding me his report, Mr. Kidd expresses his deep regret at this occurrence and rightly disclaims all responsibility for it.

He requests me to deal with it as I think fit, and I consider it of sufficient importance to send up to Government, in order that the Church of England chaplains may be protected when carrying out orders clearly laid down for them by Government.

10. St. Mary's has never been considered a general cemetery; the whole ground has been consecrated as set apart for the use of members of the Church of England and stands on the same footing as other cemeteries set apart for denominations, viz.,

St. Patrick's for the Church of Rome,
St. Andrew's for the Church of Scotland,
The general cemetery, Pursewalkum, for other denominations.

From the latter cemetery members of the Church of England are excluded, and it is difficult to understand why a general claim is made on St Mary's cemetery only.

11. It was hoped that unpleasant occurrences like the present would have been rendered impossible by the passing of G.O., No. 27, dated 4th April 1889, which defines clearly the conditions under which non-conformists have the right of burial in St. Mary's cemetery, and none of which were present in this case.

12. It appears to me that Mr. Kidd did all that it was possible for him to do to prevent difficulties arising over this funeral. Had the funeral notice and death report been sent in the first instance to the Wesleyan chaplain, or even after it had been returned by Mr. Kidd, much unpleasantness would have been prevented, as the man as a Wesleyan would have been interred in the general cemetery. It was almost impossible for Mr. Kidd at the last moment, even after the pressure put upon him by the officer commanding the funeral party, which pressure I consider unwarranted, to yield to a claim which he believed was not tenable.

13. As, however, the Wesleyan chaplain claimed his right to officiate in St. Mary's cemetery under the very Government order which I understand to exclude him, I have the honor to request Government to give an authoritative ruling on this point.

ENCLOSURES.

MEMORANDUM No. I.

The Rev. Mr. Kidd's narrative of what occurred at Sergeant Jeffries' funeral.

1. At 4 P.M., yesterday afternoon, I found on my table—
   (1) A funeral notice from Fenn, the undertaker, as to the burial of Sergeant Jeffries in St. Mary's cemetery. From Fenn's man I learnt that Jeffries was a Wesleyan, and I understood him to imply that the Wesleyan chaplain would expect to take the funeral. I, therefore, endorsed this notice to this effect—"There is some mistake: the man is a Wesleyan—" and gave it back to the bearer.
   (2) A "death report" from Captain Vaughan, R.A., "*Ordnance officer in charge*," Jeffries having been a Store Sergeant in the Ordnance Department. This I returned with letter (marked A).

2. I heard nothing more till just after 8 P.M., on my return home. I then found an Ordnance conductor (Bonner) waiting for me. I understood him to say that Captain Vaughan had referred my letter to him with instructions to arrange for the funeral. I suggested that the proper place for the interment was the Pursewalkum general cemetery, but this did not meet his wishes. Ultimately he arranged with me that Jeffries should be buried in St. Mary's cemetery and by myself.

3. Very soon after this Mr. Whitamore drove up to my door and sent in to me a letter (B), from which ensued letters C, D and E, the last being written just before midnight. These letters indicated clearly—
   (1) that Mr. Whitamore was welcome, so far as I was concerned, to bury Jeffries in the general cemetery,
   (2) but that in St. Mary's I must officiate.

4. In my interview with Mr. Whitamore I learnt—
   (1) He claimed to officiate at Sergeant Jeffries' funeral.
   (2) No responsible person had so far asked him to do so. All he had to go on was the funeral notice referred to in paragraph 1) which had been forwarded to him by the undertaker.
   (3) In this notice the place of burial had been altered from *St. Mary's* to *the general cemetery*.
   (4) He distinctly refused to take the funeral at the latter place and insisted on officiating in St. Mary's cemetery.

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5. I submit that, at this time, Mr. Whitamore had no *locus standi* in the matter, especially in reference to St. Mary's cemetery. It looks as if it were a gratuitous attempt on his part to re-open an old controversy which had been settled for him only last year.

6. Fearing there might be trouble at the cemetery in the morning, I wrote letter F to Conductor Bonner about 11 P.M.

7. He came to my house, in consequence, just after midnight. In a conversation then—
   (1) He promised to send me the next day the "death report" and a copy of my letter to Captain Vaughan.
   (2) He confirmed my former impression that he was authorized by Captain Vaughan to make final arrangements.
   (3) He told me he had informed Sergeant Jeffries' widow that it was arranged for me to take the funeral and that she had acquiesced.
   (4) He assured me there should be no trouble at the cemetery, and that, if Mr. Whitamore were there, he would see that his own arrangement with me should hold good.

8. As Conductor Bonner did not leave me till nearly 1 A.M., it will be seen that I left nothing undone to prevent any disagreeables at the funeral.

9. I point out also that so late at night as 1 A.M. it was settled conjointly by the military and by Jeffries' relations that I should officiate at his funeral in St. Mary's cemetery at 6-15 A.M.

10. I arrived there at 6-5 A.M. this morning; the funeral party had not then arrived. The Royal Artillery officer in command of the party, with some Ordnance conductors, were already there. I also saw that Mr. Whitamore was there.

11. Almost immediately I got into the vestry. The officer in command came in and said that Jeffries was a Wesleyan, that Mr. Whitamore must take the funeral, and that he must see to it that Mr. Whitamore was allowed to do so. He gave me five minutes to consider the matter.

12. I replied that St. Mary's was a Church of England cemetery, in which only a clergyman of that church could officiate. I added that there was a Government order to that effect.

13. He demanded to see this Government order for himself; of course I had not got it with me, as the cemetery vestry is no place to keep records in; nor had I brought it with me, as I thought I had secured myself against all discussions. He, however, insisted that he must see the Government order. Fortunately I was not far from home, and as he agreed to keep the funeral party waiting till my return, I drove home to fetch the necessary papers.

14. On my return I reminded him that the position was that he was preventing my doing my duty, while he perused the Government order himself and should be satisfied in his own mind that my statement was correct.

15. After duly studying the Government order he acknowledged the correctness of my statement that a non-conformist could only be buried in an ordinary grave in St. Mary's cemetery by a clergyman of the Church of England.

16. Notwithstanding this, he then demanded of me—and formally called on his subordinates present to bear witness to it—whether I still refused to allow Mr. Whitamore to take the service.

17. My reply was to this effect: at that stage that was not the question—that was a question between Mr. Whitamore and myself—so far it had been a question between him (the officer) and myself as to my authority for claiming to officiate; if he was satisfied with the Government order there was no further question between us; if Mr. Whitamore chose to ask my permission to officiate I was prepared to answer him.

18. It was here, I think, that this officer made a remarkable suggestion that he himself should read the service (the Church of England service I suppose he meant) to the exclusion of both Mr. Whitamore and myself. Of course I refused, as a layman only officiates in the absence of the chaplain (rule VIII-1). It would be interesting to know where this idea originated. If with Mr. Whitamore, it shows his spirit.

19. At this stage also it transpired that the relatives were still willing that I should officiate. One of them expressly said so in the hearing of every one in and near the vestry. In fact as far as I could understand, from first to last, the only man who insisted upon Mr. Whitamore taking the service was Mr. Whitamore himself.

20. Mr. Whitamore having now been called into my vestry by the officer in command, asked me whether I would allow him to officiate at the funeral of Sergeant Jeffries. My answer was "*not in this cemetery*."

21. Thereupon he left, the funeral party was ordered up and I began the service.

22. Meanwhile, the funeral party had been kept waiting nearly half an hour. The whole of that time I was ready to do my duty. The delay was caused by the interference of the

officer in command—an interference which he himself had ultimately to acknowledge was not on any ground that could be justified.

23. I must express my deep regret at this occurrence. *I disclaim all responsibility for it.* I thought the night before that anything of the sort had been averted and in the course of the discussion with the officer I was only on the defensive to carry out the express orders of Government as I understood them.

24. Except that, in my opinion, he mistook his duty, I complain of nothing in the action towards me of this officer.

25. I submit that several mistakes were made, which complicated this business—

(1) As I understand that Mr. Whitamore is the recognized Wesleyan chaplain to the Garrison, the "death report" should not have been sent to me at all, as Sergeant Jeffries was distinctly returned in it as a Wesleyan.

(2) A general impression seems to exist that the men in Garrison have a right of sepulture in St. Mary's cemetery. Why more there than in St. Patrick's or St. Andrew's does not appear.

(3) Captain Vaughan, as "*Ordnance officer in charge,*" deputed a non-commissioned officer to make definite and final arrangements. This he did with me. These arrangements were *at the last moment* set aside by the officer commanding the funeral party.

(4) This officer, I venture to think, misunderstood both his own position and mine. He, I take it, was in command of the funeral party, and not as such responsible for the service. I am the officer in charge of St. Mary's cemetery (Army Regulations, p. 690). Of course it was open to him to report subsequently anything that I did or said to his own superiors not to interfere with me in the performance of what I said was my duty. He was not in any way my superior officer.

26. The motive power behind all this was Mr. Whitamore. He had G.O., dated 4th April 1889, No. 27. He was not requested to officiate at this funeral either by any military authority or by any relative. The notice sent to him mentioned as the place of interment the *general cemetery*. Had he stayed away from St. Mary's cemetery, there would have been no trouble. He comes to St. Mary's cemetery and at the last moment gets the officer to take up his case. He is aware of the arrangements made with me and that the family had acquiesced in them. He must have known that they were not *aggrieved* at the idea of my taking the service. Yet he insists upon what he says are his rights, even though the assertion of them threatens to stir up the *odium theologicum*. If he is as I am, *a chaplain*, he should have known better; as no actual harm was proposed to be done, he should have contented himself with entering a protest and then reporting me to Government.

A.

From the Rev. D. W. KIDD, Acting Garrison Chaplain, to the Ordnance officer in charge, dated Fort St. George, 20th May 1890.

I have the honor to return the enclosed death report, which has evidently been sent to me by mistake; as the man is described as a "Wesleyan," I am not in charge of such.

2. I suppose he will be buried where Wesleyans usually are buried. The St. Mary's cemetery is only for the interment of those over whom a clergyman of the Church of England says its burial office.

B.

From the Rev. T. H. WHITAMORE, Wesleyan Chaplain, to the Rev. D. W. KIDD, dated Madras, 20th May 1890.

With reference to the funeral of the late Sergeant D. F. Jeffries, I have to request that the funeral may take place in St. Mary's cemetery according to G.O., dated 4th April 1889; and in accordance with a rule previously made I request that you will give your consent to that arrangement and order the grave to be prepared at once as the funeral is to take place to-morrow at 6 A.M.

C.

From the Rev D. W. KIDD, Acting Garrison Chaplain, to the Rev. T. H. WHITAMORE, dated Fort St. George, 20th May 1890.

In reply to your letter, I beg to inform you that I have been requested by a message from his Commanding officer myself to bury the late Sergeant Jeffries to-morrow morning at St. Mary's cemetery. I shall be there to do so at the appointed hour.

D.

From the Rev. T. H. WHITAMORE, Wesleyan Chaplain, to the Rev. D. W. KIDD, dated Madras, 20th May 1890.

I beg to acknowledge yours of this date, in which you state that you are prepared to conduct the funeral of the late Sergeant Jeffries at St. Mary's cemetery. I beg to point out that the man was a Wesleyan and under my charge and that it will be the wish of his relatives that I should inter him according to the usages of his own church.

Will you be so good as to inform me by bearer whether I am to understand your letter as a refusal to allow me to officiate at the funeral in the present instance, as I am prepared to do. Your note implies that you intend to conduct the ceremony yourself, so I shall be grateful if you will kindly give me a clear answer on the subject.

E.

From the Rev. D. W. KIDD, Acting Garrison Chaplain, to the Rev. T. H. WHITAMORE, dated Fort St. George, 20th May 1890.

In reply to your second letter, I beg to point out that you have missed the point of my former letter, viz., that I had been requested *by Sergeant Jeffries' Commanding officer* to bury him myself *at St. Mary's cemetery*.

2. Your position, on the other hand, is—

(1) You have only had a funeral notice from the undertaker and all you can say is that "it *will be the wish* of his relatives" that you should bury him.

(2) The undertaker's notice says the funeral will be at the "*general cemetery.*"

3. If the corpse is brought to the general cemetery for sepulture, of course you will officiate. I only undertake the service at St. Mary's. I am by Government order excluded from the former, and you from the latter, as officiants.

F.

From the Rev. D. W. KIDD, Acting Garrison Chaplain, to Sergeant BONNER, dated Fort St. George, 20th May 1890.

With reference to our conversation this evening about the burial of Sergeant Jeffries, as Mr. Whitamore now claims him as a member of his congregation, I shall be obliged—

(1) If you will inform me by bearer whether Captain Vaughan has desired you to arrange with me that I should bury him to-morrow morning at St. Mary's cemetery;

(2) If you can send me his endorsement on my letter;

(3) If you will send me my letter to him, as I want a copy;

(4) If you will return to me the "death report."

MEMORANDUM No. II.

Review of Government Orders.

1. Mr. Whitamore's contention seems to be that he has a right to officiate at a funeral in St. Mary's cemetery although it is wholly consecrated.

2. Appeal is made to Cemetery rules VI (2) and (3):—

"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 be legally so interred."

There is no such portion appropriated in the St. Mary's cemetery, so that no provision is made for the interment there of Wesleyans.

3. Nor is there any general rule that, failing such provision, ministers, not being clergy of the Church of England, may officiate for members of their congregations in a Church of England reserved cemetery.

4. On the contrary, the following is the 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."

5. Thus it seems to me I had no option but to refuse to allow a Wesleyan minister to officiate in St. Mary's cemetery.

6. Having this in view, an attempt was made last year to get a portion of St. Mary's appropriated, and a definite proposal to this effect was put before Government under rule VI (3).

7. The very fact of this proposal having been made shows that it was considered that a Wesleyan minister had no right, as a general rule, to officiate in St. Mary's.

8. Government, however, did not sanction such appropriation; whether rightly or wrongly does not matter to a chaplain in carrying out Government orders.

9. But appeal is made to this very G.O. (4th April 1889, No. 27) which disposed of this proposal, as if it sanctioned a rule that a Wesleyan minister might officiate in a portion appropriated to the Church of England.

10. Read G.O., dated 4th April 1889, No. 27:—

"In supersession of all previous orders on the subject, His Excellency the Governor in Council is pleased to direct that interments in St. Mary's cemetery shall be restricted in future to the following classes of persons:—

(*a*) Residents in Fort St. George.
(*b*) Officers, non-commissioned officers, and privates dying in the Garrison and General Hospitals.
(*c*) Officers (not their families) dying in any part of Madras.
(*d*) Residents in the Ordnance Lines.
(*e*) Owners of vaults or ancient burying places.

2. Non-conformists coming within any of the above-mentioned classes may be buried under the conditions provided in clauses (2), (3) and (4) of rule VIII of the General Cemetery rules published in G.O., dated 7th July 1885, No. 141, Ecclesiastical."

These rules are as follow:—

VIII (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, 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 authorized 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.

11. The first thing to be noted generally here is that this is a Madras Government order and therefore cannot repeal the cemetery rules as enacted by the Government of India. We may expect to find a declaratory confirmation of my contention as stated in paragraphs 2 to 5 above.

12. The next thing to be remarked is that this Government order is in "*supersession of all previous orders on the subject*," *i.e.*, Madras Government orders which take away any necessity for hunting up old Government orders and so simplifies the matter.

13. And then it may be mentioned that, on the strength of this Government order and referring to it, Mr. Taylor, the *pucka* Garrison Chaplain, wrote at once a circular letter to the undertakers, in which he said: "Non-conformists can only be buried without the service of the burial of the dead according to the rites of the Church of England, while there is a family vault, grave, or reserved plot, in the St. Mary's cemetery." Such was his opinion on 30th April 1889.

14. The meaning of paragraph 1 of the above Government order by itself, I submit, is not that every one, *without any limitation*, included in the categories enumerated, must be buried in St. Mary's, for then we might have, *e.g.*, Hindu and Parsee members of the L.M.S. claiming sepulture there. What it does mean, I think, is that none others than the classes mentioned, even if members of the Church of England, have any claim to burial there. It is in fact the answer to Mr. Elwes' letter, No. 191 of 30th October 1888, asking restrictions as to burials in St. Mary's and not to his No. 193 reporting on the question of non-conformist funerals there.

15. This latter question is dealt with in paragraph 2 of the above Government order. By its incorporation of rule VIII (2), (3) and (4), this Government order shows that the right of sepulture of non-conformists, without the service of the Church of England and without the

Anglican chaplain officiating, is limited to the special cases of vaults, &c., and thus is extended to the whole of St. Mary's cemetery such rules as refer to that portion of a general cemetery which is set apart for the exclusive use of members of the Church of England.

16. It seems to me therefore that, had I allowed a non-conformist minister to officiate in any part of St. Mary's cemetery, I should have been violating the cemetery rules.

17. Nor, I confess, do I see that any one has any ground of a grievance here. Not one of the old cemeteries in Madras has ever been a general cemetery, and there is a sufficient number and variety of denominational cemeteries to provide the needs of all.

18. *The Church of England* has St. Mary's.

The Church of Rome has St. Patrick's, where I imagine not even Mr. Whitamore would be bold enough to claim the right to officiate.

The Church of Scotland has St. Andrew's, the chaplain of which has distinctly claimed this as an exclusively Presbyterian cemetery, and has had his claim allowed by G.O., dated 20th August 1889, No. 89, paragraph 5.

Non-Conformists in general have the Pursewalkam general cemetery, governed by G.O., dated 10th October 1889, of which the first rule runs thus:—

The burial ground shall be designated the "Pursewalkam General Cemetery" ..... and the right of interment shall belong to all Christians not being members of the Church of England.

19. To hold the St. Mary's cemetery to be entirely a Church of England cemetery would therefore be only an act of justice and equity. Nay more, if Non-Conformist ministers were admitted to officiate in St. Mary's, the members of the Church of England would have a clear grievance at being treated differently to every other religious persuasion in Madras.

20. So far from St. Mary's having any special prerogatives, even as things are its administration is on more liberal principles than is that of the Non-Conformist general cemetery.

(1) As a general rule the very body of a member of the Church of England may be refused interment there—see Cemetery Rules VI (1) below.
(2) No exception to this is allowed there even for the case of a family vault.
(3) Nor even in *special cases* is provision made for a priest of the Church of England to say its burial office therein.

When the Non-Conformists have enlarged their borders, they may appeal to Government to make others less exclusive.

21. Nor is there any reason why application should be made to Government to apportion a part of St. Mary's cemetery to Wesleyans rather than a piece of St. Patrick's or St. Andrew's. On the contrary, I submit that St. Mary's should be specially exempted from such a plan for two reasons:—

A reason of *sentiment*.—St. Mary's is wholly consecrated. Not so St. Andrew's (nor St. Patrick's).

A reason of *fact*.—"St. Mary's is filling up," even when only members of the Church of England are being buried there—see letter, No. 191, in Proceedings of Government, dated 4th April 1889.

22. So far I have considered the rules which seemed to me to exclude Mr. Whitamore from officiating in St. Mary's cemetery.

23. There is another rule on which I acted in this case—rule VI(1):—

"The chaplain will bury Christians of all denominations whose friends desire his services."

(1) By *chaplain* is evidently meant *of the Church of England*.
(2) By *friend* is meant *the person having charge of the burial, i.e., relative, friend, or legal representative*.

24. In the case of a soldier, whom are we to consider such.

(1) Not the Church of England, nor the Wesleyan, nor any other, *chaplain*.
(2) Not the *undertaker*, who simply carries out the orders of his employer.
(3) But *the military authorities*, who would act in communication with the relations surviving, if any.

25. Applying this to the present case.

(1) I considered that I was requested by military authority to officiate at this funeral, *i.e.*, by "the Ordnance officer in charge."
(2) Before Mr. Whitamore appeared on the scene, the relatives distinctly acquiesced in this arrangement the night before. Even after he had raised the question of *his rights*, the relatives stated publicly that they had no objection to my officiating.

I hold that I was more than justified in my action.

From the Venerable J. F. BROWNE, B.D., Archdeacon of Madras, to the Honorable the Chief Secretary to Government, Ootacamund, dated Madras, 6th June 1890, No. 355.

In continuation of my letter No. 349 of 28th May 1890, I have the honor to forward a letter from the Rev. D. W. Kidd, Acting Chaplain of Fort St. George, with correspondence as per margin, reporting on another case of burial of a Wesleyan soldier in St. Mary's cemetery.

1. Letter from Captain Sharpe, D. S. O., to Rev. D. W. Kidd.
2. Letter from Colonel Smalley, A. A. G., to Rev. D. W. Kidd.
3. Letter from Rev. D. W. Kidd, to Captain Sharpe, D. S. O.

2. As the two cases have followed so close one upon the other, I most earnestly request Government to take measures, as early as possible, to prevent their recurrence, as they are the occasion of great unpleasantness to all parties concerned.

3. In G.O., No. 89, Ecclesiastical, dated 20th August 1889, paragraph 5, Government have ruled: "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." This order would appear to apply equally to St. Mary's cemetery as to St. Andrew's concerning which the order was passed. And as St. Mary's cemetery is stated to be only sufficient for the burial of members of the Church of England, I would ask Government to reconsider the question whether a portion of ground might not be added, as suggested by Mr. Kidd in paragraph 13 of his letter.

ENCLOSURES.

From Rev. D. W. KIDD, Acting Garrison Chaplain, to the Commissary of the Diocese, dated Fort St. George, 5th June 1890.

It is with deep regret that I have to report to you that another case has occurred of the death of a Wesleyan soldier, Private Jones, D.C.L.I., for whom the military authorities claimed sepulture in St. Mary's cemetery, and that the Wesleyan chaplain should officiate.

2. As administering the orders of the Government of India, I had to refuse the latter point —see copy of correspondence enclosed.

3. I am so far thankful to say that no discussion occurred at the cemetery; the matter was settled last night. I officiated at the funeral in St. Mary's this morning.

4. On reflecting on this subject, it seems to me that here is a grievance to several parties:—

(1) *To Wesleyan soldiers.*—That they have to be buried by the Garrison Chaplain.
(2) *To the Military authorities.*—That they cannot have Wesleyans buried as Wesleyans, without going to a distant cemetery.
(3) *To the Wesleyan chaplain.*—That, as the military authorities insist on the burial of Wesleyans in St. Mary's cemetery, he is debarred from officiating at the funerals of soldiers committed to his care.
(4) *To the Garrison chaplain.*—That, in consequence, he has to officiate at the burial of all Wesleyans, as well as all Church of England soldiers; in fact, to do a part of the Wesleyan chaplain's work as well as all his own.

5. The Government of India contemplates that such cases should be met—rule VI (3)—

(1) Either by appropriating for this purpose a definite portion of "every cemetery," not Church of England cemeteries only.
(2) Or by taking up new ground.

6. This rule only applies in *principle*, not in details, to the cemeteries on the Island, as not one of them is a *general cemetery* as contemplated in rule 1.

7. The cemeteries on the Island are—

(1) St. Mary's, appropriated to the Church of England.
(2) St. Patrick's do. to the Church of Rome (Irish Mission).
(3) St. Andrew's do. to the Church of Scotland.
(4) Goanese do. to the Goa Mission.
(5) Armenian do. to the Armenians.

8. I do not know the state of the other cemeteries, as to whether a portion might be appropriated, but to St. Mary's the words of this rule exactly apply, that it is "only large enough for the wants of Christians desiring to be buried with the service of the Church of England." St. Mary's, therefore, is exempt from the operation of the former part of this rule.

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9. If the other cemeteries are likewise exempted, a fresh piece of ground should, according to the rules, be assigned for Wesleyans and other Non-Conformists as being unprovided for.

10. Burial therein should be strictly limited, as in the case of St. Mary's cemetery, to the garrison—see G.O., dated 4th April 1889, No. 27.

11. This would not require to be large, since, as far as I can learn, not more than an average of three Wesleyans a year would need to be buried there.

12. Taking a grave with its environment—there must be some space between graves—to measure $10' \times 4' = 40$ square feet, this would be 120 square feet a year, or in, say, 30 years, 3,600 square feet.

13. I think this might be found east of the Armenian cemetery. As the length of its E wall is 132 feet, a road face of 30 feet would enclose 3,960 square feet. The three walls to be built would be 192 feet in length.

14. I would ask you to forward this suggestion to Government, and, if it is approved, the piece of ground might be enclosed without delay, as the matter is urgent.

From Captain E. J. SHARPE, District Staff Officer, to the Acting Garrison Chaplain, dated 4th June 1890.

Colonel Smalley, some two hours ago, sent a letter to you by an orderly asking you to be so good as to reply to me by bearer.

The letter related to the death of a man of the D.C.L.I., who has to be interred in St. Mary's cemetery to-morrow morning, and requesting you to be so good as to inform me whether you intended to refuse to allow Mr. Whitamore to officiate at the funeral, as the man was a Wesleyan, or not.

As no reply has as yet been received, I conclude you cannot have received the letter, and shall be glad if you will kindly reply at once to this.

Demi-official from Colonel F. SMALLEY, Assistant Adjutant-General, Madras District, to the Acting Garrison Chaplain, dated Fort St. George, 4th June 1890.

I am directed by the General Officer Commanding to inquire whether you will allow the Rev. Whitamore, Wesleyan Chaplain, to officiate at the burial in St. Mary's cemetery of the remains of the late Private Jones, 1st Bn., D.C.L.I, a member of the Wesleyan congregation died in the Station Hospital this day—Please send reply to Captain Sharpe.

From Rev. D. W. KIDD, Acting Garrison Chaplain, to the Assistant Adjutant-General, Madras District, dated Fort St. George, 4th June 1890.

I have just received letters from Colonel Smalley and yourself *in re* funeral of Private Jones, D.C.L.I.

2. In your letter you say he "has to be interred in St. Mary's cemetery."

3. Therein I think lies the root of the whole misunderstanding in this matter. There is no more reason nor is it any more ordered why he, not being a member of the Church of England, should have a right of sepulture in St. Mary's cemetery rather than in St. Patrick's or in St. Andrew's. Not one of these is a *general cemetery* more than another. St. Mary's is wholly consecrated and set apart for the use of the Church of England, as St. Patrick's for the Roman Church and St. Andrew's for the Scotch Kirk.

4. Colonel Smalley asks me a definite question whether I will allow Mr. Whitamore, the Wesleyan Chaplain, to officiate at this funeral in St. Mary's cemetery.

5. My answer is definite; *I cannot allow Mr. Whitamore to officiate in St. Mary's cemetery.*

6. In saying this, I am not in the least consulting my own wishes. For my own peace of mind it would be better if I could consent. The only question with me is one of *duty*.

7. My duties herein are prescribed by the general rules for cemeteries passed by the Government of India, and incorporated in India Army Regulations, 1887, paragraph 2844, pp. 690—9.

8. In rule VIII (1) it is expressly forbidden that any other service than that of the Church of England or any other than the clergy of that church when present shall officiate in any part of a cemetery specially appropriated to the Church of England as a general rule.

The exceptions are found in VIII (2), (3), (4), which do not apply to the case of Private Jones; as St. Mary's is *wholly* set apart for the Church of England, I have to see this rule carried out.

9. Under rule VII a Wesleyan minister may officiate "in any fitting portion of the ground set apart" for Non-Conformists. But there is no portion of St. Mary's cemetery so set apart. Therefore by implication Mr. Whitamore cannot officiate in St. Mary's at all. I should be breaking the rule to allow him to do so.

10. It is true that under rule VI (2), (3) it is contemplated that "a *portion of every cemetery*" will be so set apart, but it must be by orders of Government. The fact that this rule is not enforced in St. Mary's cemetery is known to the Madras Government, having been referred to them last year. Nor is the exemption of St. Mary's any more privileged than that of St. Andrew's or St. Patrick's. Anyhow, till I receive definite orders from Government, this rule is inoperative. It is not in my power to do anything.

11. By rule VI (1) the Church of England chaplain will bury Christains of all denominations whose friends desire his services. Although I am in no way eager to officiate at the funerals of Wesleyans, if such are brought to St. Mary's cemetery it is my duty to officiate.

12. All these rules, as far as they apply to me, I have to carry out, and as they apply to others, I have to see carried out as being recognised by Government as the officer in charge of St. Mary's cemetery.

13. I shall be there to-morrow morning prepared to officiate at the funeral of Private Jones if his corpse is brought there for interment.

From Colonel H. P. PEARSON, C.B. Adjutant-General, to the Secretary to Government, Military Department, dated Ootacamund, 20th June 1890, No. 1452-B.A.

With reference to the Proceedings of Government noted in the margin, I have the honor, by direction of the Commander-in-Chief, to forward the accompanying correspondence relative to the funeral of the late Sergeant Jeffries, Ordnance Department (a Non-Conformist), who was buried in St. Mary's Cemetery, Madras, on the 20th May last, and to point out that upwards of two years ago, the Chaplain to the Bishop of Madras stated that, in His Lordship's opinion, it was desirable that a portion of ground should be set apart for burials conducted otherwise than according to the rites of the Church of England, and quoted the rule which admits of a portion of a cemetery, the whole of which has been consecrated according to the rites of the Church of England, being so set apart, clearly showing, although that rule is not applicable to Presidency cemeteries, that there is no ecclesiastical objection to a portion of St. Mary's cemetery being so set apart.

No. 130, Ecclesiastical, dated 11th September 1888, communicated under Military Department No. 6423, dated 22nd idem.
No. 27, Ecclesiastical, dated 4th April 1889, communicated under Military Department No. 2863, dated 30th idem.

2. I am to say that in His Excellency's opinion the sense of injury under which Wesleyan soldiers labor at being deprived of any place of interment within reasonable distance of their barracks and hospital at which a clergyman of their own persuasion can perform their funeral service, should be removed, and that either a portion of St. Mary's cemetery should be set apart for Non-Conformists or the piece of ground marked A in accompanying plan should be converted into a cemetery for their use.

ENCLOSURES.

From Brigadier-General G. J. SMART, Commanding Madras District, to the Adjutant-General, Madras Army, dated Madras, 9th June 1890, No. 394.

I have the honor to forward letter received from Rev. Mr. Whitamore, Wesleyan Chaplain, dated 23rd May 1890, relative to the funeral of Sergeant Jeffries of the Ordnance Department, a Wesleyan soldier who was buried at St. Mary's cemetery on the 20th May 1890. On this occasion Mr. Whitamore attended at the cemetery prepared to perform the service, but his doing so was prevented by the Garrison Chaplain, who could not permit him to do so under clause 1, rule VIII of the General Cemetery Rules, published in G.O., dated 7th July 1885, No. 141, Ecclesiastical, and incorporated in India Army Regulations, volume II, part II, page 690. Mr. Whitamore then withdrew and the funeral service was performed by the Garrison Chaplain, the Rev. D. W. Kidd. Mr. Whitamore's letter and correspondence are attached.

2. The alteration in red ink on the funeral notice was made by the undertaker after seeing Mr. Kidd's remark thereon—letter attached.

3. On the 5th June I received another letter from Mr. Whitamore relative to the funeral of another Wesleyan soldier, Private Jones, who died in the military hospital on the night of the 4th June. On this occasion Mr. Whitamore wrote to the Assistant Adjutant-General to inquire if he could be permitted to officiate at the funeral. The Assistant Adjutant-General referred the question to the Garrison Chaplain who is in charge of the cemetery and received a reply in which Mr. Kidd says "my answer is definite; I cannot allow Mr. Whitamore to officiate in St. Mary's cemetery." Mr. Whitamore was therefore requested not to attempt to officiate at the funeral and the service was performed by the Garrison Chaplain.

4. In the same letter, Mr. Kidd gives his reasons for not being able to allow Mr. Whitamore to officiate; he states that his duties are prescribed by the general rules for cemeteries and in "rule VIII (1) it is expressly forbidden that there should be any other service than that of the Church of England, or any other than the clergy of that church shall officiate in any part of a cemetery specially appointed for the Church of England as a general rule; the exceptions are in rule VIII (2), (3), (4), which, however, do not apply to the case of Private Jones. St. Mary's cemetery is wholly set apart for the Church of England and that therefore a Wesleyan minister cannot officiate in it." This is correct and therefore under the present rules Mr. Whitamore cannot officiate at the funeral of any Wesleyan soldier that may be buried in St. Mary's cemetery.

5. By the standing orders of the Garrison, funeral parties are not to be sent to any other burial ground than St. Mary's and those in its vicinity according to the religious denomination of the deceased. The Wesleyan soldiers have always been buried in St. Mary's and I would not willingly see them buried anywhere else; but I consider that Wesleyan soldiers should have the service read over them by a minister of their own denomination; in this opinion the Garrison Chaplain concurs.

6. Mr. Whitamore in his letter of June 5th, asks for the case to be referred by His Excellency the Commander-in-Chief to the Government of Madras in the following terms; "so that by a definite Goverment Order our men in case of death may be protected against exclusion from the garrison cemetery where their comrades lie, and so that the Wesleyan chaplain may have the right of performing his duty without obstruction from the chaplain in charge of the cemetery."

7. Rule VI (2) and (3) provides for part of a cemetery being set apart by the orders of Government for the use of other Christians whose friends desire that they should be interred otherwise than according to the ritual of the Church of England, and I would strongly recommend that a small portion of St. Mary's may be so set aside for the use of Non-Conformists.

8. The Garrison Chaplain is of the same opinion as myself, that there should be a burial place for Non-Conformists where their own minister can officiate, either in St. Mary's or somewhere in the vicinity.

9. He tells me that he has made a report to that effect to the Archdeacon, but has recommended that a new cemetery be opened for Non-Conformists on the bank of the Cooum next the Armenian cemetery (plan attached) and he points out that there is no general cemetery, but that the cemeteries of St. Mary's, St. Patrick's and St. Andrew's are all denominational.

10. I should, however, prefer seeing a portion of St. Mary's set aside and am of opinion that there is room in the cemetery for this purpose, and would point out that it really makes no difference in the number of graves required, as at present the Wesleyan soldiers are buried in St. Mary's but not by their own minister.

11. The number of Wesleyans in the garrison is 64 men, 4 women and 11 children.

12. Pending the result of this reference, I have given directions that should a Wesleyan soldier die, he will be buried in St. Mary's cemetery and the Garrison Chaplain asked to officiate at the funeral.

From Rev. T. H. WHITAMORE, Wesleyan Chaplain, to the Assistant Adjutant-General, Madras, dated 23rd May 1890.

I have the honor to request that you will be so good as to lay this letter before the General Officer Commanding, with a view to his referring the same to His Excellency the Commander-in-Chief and the Government of Madras.

On the 20th May 1890 I received a notice of burial from the undertaker.

The man whose death was reported therein was Sergeant Jeffries, a Wesleyan soldier, under my charge, whom I had visited during his sickness in hospital; I would call attention to the fact that the place of interment is altered in the form from "St. Mary's cemetery," to "General Cemetery" and also to the remark thereon, "there is some mistake in sending this to me, the man is a Wesleyan."

On receipt of this notice I wrote to the Rev. D. W. Kidd, Garrison Chaplain (copy of letter attached), asking his permission that the interment might take place in St. Mary's, and that I might perform the ceremony.

To this Mr. Kidd replied (letter attached) stating that he had been requested by the deceased man's Commanding Officer to bury deceased on the following morning at St. Mary's cemetery, and that he would be there to do so.

I thereupon wrote to him (letter attached, stating that the Sergeant was a Wesleyan, and requesting him to give me a definite answer whether he intended his letter, stating that he could officiate, as a refusal to allow me to perform the funeral service or not.

I did this because, as the General is aware, about two years ago a similar unseemly occurrence took place at St. Mary's cemetery at the interment of a Wesleyan soldier; and as reported at the time I was subjected to much discourteous treatment by the Garrison Chaplain, who refused to allow me to officiate, or to enter the cemetery, and forced me to withdraw in a most humiliating manner.

In reply to this letter I received the note (attached). As this was not a direct answer to my question, instead of proceeding to Pursewalkum general cemetery, I made a point of attending at St. Mary's at 6 A.M. on the 21st instant, prepared to officiate at the interment, but to my great sorrow and annoyance, the scene of two years ago was repeated. I was refused admittance to the cemetery and Mr. Kidd disputed my right to be there. A long delay was caused by his arguments, during which the funeral procession was kept standing outside the gates.

He at length produced G.O., 4th April 1889, which, to my mind, indicates clearly the right of a Wesleyan soldier dying within the garrison of Madras to be interred in St. Mary's and carries with it, as I imagine, the right of a Wesleyan minister to officiate thereat.

He quoted also, as I understand, rule VI of "Rules for the care and use of Government cemeteries, except those in the Presidency town of Calcutta," Army Regulations, India, volume II, part ii, page 691; but on this point I beg to say that it was quite understood by the deceased man's widow and friends, until arrival at the cemetery, that I was to officiate, and only when the uncompromising attitude of Mr. Kidd became known, that he was asked in the emergency to officiate himself—see copy of letter attached.

On the refusal of Mr. Kidd to accept any interpretation of the abovenamed Government Order but his own, Lieutenant Bell, R.A., Ordnance officer who was present at the funeral, suggested that I should request Mr. Kidd, in his presence, verbally, to allow me to officiate. I did so, when Mr. Kidd gave a decided reply in the negative, upon which I was compelled to retire and the funeral was conducted by Mr. Kidd.

In asking you to lay this report before the General, I beg that he will be pleased to submit the same to the proper authorities, with a view to having the question finally and definitely settled by a Government Order, whether a Wesleyan minister has or has not the right to officiate at the interment of a man of his own church in St. Mary's cemetery.

I cannot sufficiently express my own sorrow and annoyance that such unseemly disputes, as in this case and the one quoted above, should take place over such a solemn matter as performing the last offices of the church over the body of one of her deceased members. And I would point out the great necessity for some clear order on the subject, so that similar occurrences in future may be prevented, which being commonly reported in the papers, and talked of everywhere, are a scandal, and tend to throw discredit on our church and religion.

When two years ago I reported a similar occurrence I felt satisfied that steps would be taken to prevent such obstruction in the future, and fully relying on the Government Order issued on 4th April last year, did not press for any explanation of the treatment I had received at the hands of the Garrison Chaplain. But as now not only has no explanation of his conduct been forthcoming, but I have a second time been treated in a similar way. I beg the General to report the whole case with a view to the matter being settled.

I am bound by the usages of my service to report this case to the Secretary of our Mission in London, and in laying before our Army and Navy Sub-committee a report of the case. I am sending a copy of this letter and enclosures, so that they may understand that I have done my best to get the matter settled.

[NOTE.—Such of the enclosures referred to above as do not appear here are printed elsewhere in these Proceedings.]

We, the undersigned, preferred that the deceased should be buried by the Wesleyan minister as he was of that persuasion. We are also under the impression that it was to be so, until we arrived at the cemetery.

(Signed) HELEN JEFFRIES,
widow of deceased.

(Signed) W. JEFFRIES,
brother of deceased.

From Conductor E. CLARKE, Ordnance Department, to the Rev. T. H. WHITAMORE, dated St. Thomas' Mount, 24th May 1890.

Understanding that the widow and brother of my son-in-law, the late Store-Sergeant Jeffries, have already communicated with you with reference to the scene at St. Mary's cemetery on the day of the funeral, I beg to join with them in expressing our very great regret that you were not allowed to perform the burial service.

From Rev. T. H. WHITAMORE, Wesleyan Chaplain, to the District Staff Officer, dated, Madras, 5th June 1890.

I have the honor to request that you will be good enough to bring to the notice of the General the facts herein stated.

On the 4th instant Private S. R. Jones, D.C.L.I., died in hospital where I had visited him several times during his illness, and on his death the "funeral notice" was brought to me in due course at the direction of the Sergeant-Major under orders from his superior officer—see letters attached.

But I had, in view of certain negotiations which were pending in relation to the recent case of which you will be aware, taken the precaution of communicating with Captain Sharpe, D.A.A.G., upon the matter.

Before receipt of my letter Captain Sharpe wrote to Mr. Kidd, the Garrison Chaplain, who replied refusing to permit me to officiate.

On that, Captain Sharpe arranged for the Rev. Mr. Kidd to take the service and wrote me to that effect, so that there might be no repetition of the scene which transpired only a fortnight since. Captain Sharpe's letter, however, which was necessarily written later on the night of the 4th, only reached me at 5 minutes to 6 on the morning of the 5th, when, in obedience to the instructions I had received, I was already at the cemetery prepared to take the funeral. On receipt of the letter, however, I put the funeral notice with the accompanying order in my pocket and attended the service merely as a spectator.

The facts as I have stated them speak for themselves, but I feel bound to protest against the whole proceeding as an insult offered to a considerable and respectable body of men in the Army, and as an indignity against a church whose position and services have been frequently recognized by the military authorities.

I therefore beg that the General will be kind enough to report this case, with the other, to His Excellency the Commander-in-Chief for reference to the Government of Madras, so that, by a definite Government Order, our men, in case of death, may be protected against exclusion from the garrison cemetery where their comrades lie; and so that the Wesleyan chaplain may have the right of performing his duty without obstruction from the chaplain in charge of the cemetery.

Sergeant-Major—

Tell the undertaker to warn the Wesleyan chaplain of the burial in any case.

5th June 1890. (Signed) G. W. T. PROWSE.

From J. FENN of Messrs. J. FENN and Co., Undertakers, to the Assistant Adjutant-General, Madras District, dated Ennore, 5th June 1890.

In reply to your No. 1820 of 2nd June, I have the honor to inform you that the alteration, in red ink, was made by me, as my driver, Mr. Dwyer, who went for measurement and information, came back and informed me that Rev. Mr. Kidd has refused the interment in St. Mary's and he showed me his endorsement in the ecclesiastical form I sent; words to this effect; "it seems this notice has been sent to me by mistake," &c., consequently when he informed me the interment had been refused in St. Mary's, I sent the notice to Rev. Whitamore and ordered grave in general cemetery. There has always been a trouble in burying a Wesleyan in St. Mary's, but was never refused before, in my 19 years' business. I have received a letter from Rev. Mr. Kidd since interment of late Store-Sergeant Jeffries requesting me to send no notice to him if a Wesleyan dies *unless requested by the friends or responsible person* who orders the arrangement. I have written to my driver to call on you and explain, if necessary, what Rev. Mr. Kidd told him.

No. 4122.

Transferred to the Ecclesiastical Department for consideration.

OOTACAMUND, 21*st June* 1890. (Signed) A. KENNEY-HERBERT, Brigr.-General, Secretary to Government.

ORDER—dated 12th July 1890, No. 49, Ecclesiastical.

The Government considers that Ecclesiastical Pro:, dated 4th April 1889, No. 27, is a sufficiently clear recognition of the fact that St. Mary's cemetery is set apart for Christians of the Church of England. The only exceptions in favor of Non-Conformists are those contained in rule VIII (2) and (3), and these imply that all other Non-Conformists have no right of sepulture there. The previous order (No. 130, dated 11th September 1888) which decided that there was no reason to add to the existing cemetery, or to set apart a portion of it for Non-Conformists, implied that the whole of the existing cemetery was regarded and treated as set apart for Christians of the Church of England.

2. The Government is therefore of opinion that in acting as he did the Rev. Mr. Kidd was perfectly within his rights.

3. The conduct of the officer commanding the funeral party at the burial of the late Sergeant Jeffries, as described in sections 11—22 of the Garrison Chaplain's narrative, dated May, 21st, will be brought, in the Military Department, to the notice of the Adjutant-General, for any action which His Excellency the Commander-in-Chief may consider advisable.

4. The Government desires that Non-Conformist soldiers stationed in Fort St. George shall have the right of interment within a reasonable distance of the Fort, and accordingly resolves to adopt the suggestion to make over the plot of ground marked A in the plan, forwarded by the General Commanding the Madras Division, with his letter, No. 1452, dated 20th June 1890, for a cemetery for Non-Conformists of the garrison of Fort St. George. The necessary steps should be taken, without loss of time, for enclosing this plot. Until it is ready for interments, the Government wishes it to be clearly understood that Order, No. 27, Ecclesiastical, dated 4th April 1889, continues in force, and that Non-Conformists whose case does not fall under rule VIII (2) can only be interred in St. Mary's cemetery by the Chaplain or, in his absence, by the officiating layman, and with the rites of the Church of England.

(True Extract.)

Chief Secretary.

To the Right Reverend the Bishop.
" Venerable the Archdeacon.
" President, Madras Municipal Commission, through Local and Municipal Department.
" Military Department, with plan.
" Sanitary Commissioner for Madras.

Exd. A. Aubert.

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Govt. of {1890} Madras.

ECCLESIASTICAL.

Issued

Recd. Encl.

G.O., 12th July 1890, No. 49.

JULY.

St. Mary's Cemetery.

Passing orders regarding the question of interments in —, and making over the plot of ground referred to for a cemetery for Non-Conformist soldiers of the garrison of Fort St. George.

Communicated, with reference to the letter from 2605-1/26 Nov. 1890, to the Comy. Architect, who will submit a plan & estimate for constructing a cemetery on the site indicated for non-conformist soldiers of the garrison of Fort St. George.

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