Executive Council

Monday – 5th January 1852.

Present,
His Excellency Governor Rennie
Hon.ble A. Montagu, and
Hon.ble H. J. Hamblin. –

The Council having met pursuant to summons,

The minutes of the last preceding meeting were read and confirmed. –

The Governor stated to the Council "the "objects for which I have assembled you "to day is to obtain your advice and o- "pinion on two subjects of considerable im- "portance to the Colony, which have been "brought under my notice within the "last few days. The first of these relates to "the cargo of guano on board the barque "Leonside now in this Harbour. When Captain "Campbell, the commander of that vessel, "arrived here from St. Helena, he expressed "a wish (if guano were procurable here) "to obtain a cargo and proceed to Eng- "land. Captain Campbell is the first Per- "son who has proposed to take a cargo "from these islands, and at my sug- "gestion and a proposition that he "should have the first cargo without "payment he proceeded to Red Island, "where he found a deposit which "answered his expectations, and loaded "his vessel with about 280 or 285 tons: "in consequence of the Leonside being, "short of provisions and the Captains

"Should he was obliged to return here without
"completing his cargo. The Captain, having
"now received and having procured
"provisions, is anxious to complete his
"cargo if he can procure certain facilities
"for the carriage of the guano from the
"deposit to the shore. As Captain Campbell
"seems to be acquainted with the Guano
"trade in which he has had some Expe-
"-rience, I entertain hopes that the guano
"is of such a quality as will repay the
"cost of exporting it, and in considera-
"-tion of the risk which Captain Campbell
"incurs, I think it would be desirable
"that he should have such facilities
"as will enable him to complete his
"cargo. I am, therefore, about to embark
"a party of six men, who will be employed
"in clearing a road from the Guano
"bed to the shore, the guano being at
"present very difficult of access. I will
"also afford him the use of two or
"three horses to assist in carrying the
"Guano. As I consider that it is desirable
"that the Government should have full
"information of the nature and Extent
"of the deposit, I have determined to
"proceed in the Levenside to New Z-
"-land with Captain Campbell, who
"(with the facilities which will be afforded
"him) will be able to complete his
"cargo in ten or twelve days, during which
"time I shall be able to ascertain the
"quantity &c of the guano. In order,
"however, to prevent as much as possible
"ships coming to the coast of Patagonia
"for guano, taking it from these islands

"without leave I think it would be desirable
"to issue a notice prohibiting vessels from
"loading without license, and I have pre-
"pared one which I will now lay before
"you for your advice." -

Mr. Montagu observed that he could
give no satisfactory opinion until they had
more detailed information, which would be
obtained on the Governor's return from Scot-
land, when a proper rate of duty might be
determined on.

Mr. Hamblin concurred in this and
The Governor observed that on his return
he would assemble the Council and lay
before them the information which he would
then have obtained. In the meanwhile
he thought it would be desirable to issue the following notice warn-
-ing Shipmasters against taking Guano
without license. The notice was amended
by omitting the words specifying the rate per ton,
and stating instead "that licenses would
"be granted at Stanley at a rate to be
"hereafter specified subject to the ap-
"proval of the Secretary of State." -

The Council concurred in this and the
following notice was ordered to be posted. -

"Public Notice.

"H.E. the Governor and Commander in chief here-
"-by makes known that a deposit of good
"Guano has been opened on one of the
"Falkland Islands close to the shores of
"an excellent harbour, with abundance of
"fresh water. His Excellency will grant a li-
"-cense to any Shipmaster on applica-
"-tion at the Government Office, Stanley; the
"rate per ton will be fixed and published

"on the return of the Governor from the place
"where the Guano has been found. Masters
"of ships or others, proceeding to load without
"license of the Government, will be prosecu-
"-ted according to Law.

"By Command &c

The Governor then stated "It is now
"nearly two years since I sent a sample
"of that white sand on the peninsula to
"England for the purpose of ascertaining
"whether it might not be useful in the
"manufacture of glass, and thereby become
"an article of export. I waited no
"communication in reply until the arri-
"-val of the "Prince Charlie" now in the Har-
"-bour a few days since, when I received
"a letter from the Thames Plate Glass Com-
"-pany stating that the sand would be
"useful in making glass, and offering
"2£ a ton for a small quantity. This, I con-
"-ceive, also opens a prospect of vessels
"being able to procure return freights from
"the Colony, which are at present so much
"needed."

The Council then adjourned sine die

J Whingates
Clerk of the Councils.

Executive Council.

Saturday — 31st January, 1852.

Present,
His Excellency Governor Ronnie
Hon'ble R. Montagu, and
Hon'ble S. J. Hamblin. —

The Council met pursuant to summons.

The minutes of the last preceding meeting were read, and, after being amended, were confirmed.

The Governor stated "before proceeding to "the immediate business of this day I feel "it to be my duty to state that Mr Longden, "wishing to fill up his time hospitably during "a short period of relaxation from "business, took with him to New Island "the book containing the minutes of this "Council with a view of entering during the "voyage the rough minutes (instead of "the last meeting of Council, and I regret "to state that, along with every other article "on board the vessel, this book was lost "on my return on the 28th instant. I con-"-tained the minutes since the first Council "was held by Governor Moody in 1845 — and as "no other clean copy exists in the Colony, I shall "request that a copy may be transmitted from "England with duplicates have been "regularly sent according to the Colonial "Regulations. —

"Since I last met you I have pro-"-ceeded to New Island with Captain Campbell "in the Barque "Levenside." The party who "accompanied me were employed in

"Constructing a road and jetty to facili-
"-tate the shipment of the Guano with
"which Captain Campbell had already partly
"filled his ship.- Having no practical know-
"-ledge of the actual value of this guano I
"relied on the opinions of the Captain and
"his first officer both of whom have been
"engaged in the African and Peruvian
"trades in that article.- As far as I could
"judge it seemed to me like of six or
"six different descriptions varying very
"considerably in appearance - samples
"of each description were carefully col-
"-lected with the view of sending them
"home for analysation.-
"The Cargo being completed we weighed
"anchor on Sunday the 25th instant with a
"fair wind on our return to this place.
"Everything proceeded prosperously until
"the Evening of the 28th, when, about an hour
"after sunset the weather being rather
"hazy, the ship struck on a sunken
"rock near Cape Pembroke and there
"was scarcely time to hoist out the
"boats and embark the crew and
"passengers before she went down in
"deep water. With scarcely an exception
"not an article was saved, and
"with considerable difficulty the
"whole party reached the shore without
"loss of life. This unfortunate event will
"have the Effect of postponing the testing
"of the value of the Cargo amounting to
"350 tons on board the ship, and will
"prevent my being able to forward for
"chemical analysis the samples which
"I had collected for that purpose.-

"With respect to the quantity of guano on Howe
"Island, I am of opinion that if all the diffe-
"rent kinds prove marketable, the amount
"would be immense; - it is difficult to form a
"correct estimate although I think it might
"reach fifty to a hundred thousand tons. —
"Under all the circumstances, and not without
"Expectation that vessels may come to load pre-
"-vious to any final arrangements for the
"protection of the guano or the receipt of in-
"-structions from the Secretary of State on the
"subject, - I think the notice already post-
"ed might be amended by inserting, after
"the words "to any Shipmaster," the words "for
"five shillings per ton register" and omitting
"the words "The rate per ton will be fixed
"and published on the return of the Governor
"from the place where the Guano has been
"found." My reasons for proposing that
"sum are first that, if free permission to
"load were granted, ships might proceed
"at once to the island without the Colony de-
"-riving any benefit by their touching at
"the seat of government; - secondly, that if
"the Guano were given away, but few vessels
"would come load, as it would be considered
"that it was valueless or else a price would
"have been put upon it; - and finally
"if the Guano were such as to warrant
"a higher price it would be necessary
"that a ship should be at my disposal
"to enforce any regulations that might
"be deemed expedient to exact such higher
"rate. - I shall take advantage of the first opportunity
"that may offer to procure fresh samples
"for transmission to England. - Having thus
"stated my views, I request the opinions and

"and suggestions of the Members of the
"Council upon the subject."

Mr. Buntagn states he was not
prepared at once to give his opinion, and
would request time for consideration.

The Governor Expressed his willing-
-ness to postpone the Consideration of the
subject, and the Council accordingly
adjourned to Tuesday the 3rd. February
at 11 o'clock. -

J Congdon

Clerk to the Council.

Executive Council

Tuesday 3rd February 1852.

Present.
His Excellency Governor Bannie
Honorable A. Montagu, and
Honorable St. J. Shuttleworth.

The Council having met pursuant to adjournment,

The minutes of the last preceding meeting were read and confirmed.

The Governor asked Mr. Montagu if he had formed his opinion on the subject which had been brought under the notice of the Council at the last meeting.-

Mr. Montagu replied "the object to be sought "by a public notice I conceive to be to in- "-duce ships to come to the Settlement, "and secondarily to this to raise a Revenue. "At the present moment the value of the Guano "is uncertain. I cannot place much "confidence in the opinions expressed "by Captain Campbell and his mate, or "the fact that he has loaded his vessel, "because Captain Campbell appeared to "me to arrive here without funds to pur- "chase a freight, and under a strong "inducement to return to England as "soon as possible. Guano is valuable generally "in proportion to the dryness of the climate. "Ruro Island, I should say, has a wet cli- "-mate: it has been visited before by Cobb- "White and others. Samples of the Guano "found there have been sent home, and "have been considered of too little value

to

"to pay freight. The Peruvian Guano sells,
"I am told, for 9 £ a ton, the Patagonian
"for 6 £ a ton: the latter when cut and
"dried is sold for 12 and for 10 £ when
"not cut or dried. Again, Guano is of
"little price in the market unless dry;
"the Peruvian guano is like flour per-
"-fectly dry and when taken in the hand has
"a strong smell of Ammonia. The Guano
"here there is no doubt might have been
"more profitably shipped if dry. I un-
"-derstand from Mr Longden that, when
"cut in blocks, the blocks next day
"were tolerably dry. Captain Campbell
"had shipped it in this state. I am
"quite unable to say whether it
"would pay freight or not Even if
"shipped when dry. The guano in Austra-
"-lia and Africa is sold at 20 £ a ton,
"although I am informed that the Go-
"-vernment at the Cape of Good Hope has
"latterly refunded to the merchants
"7000 £, being the amount of duty re-
"ceived at that rate. Put 5 shillings
"a ton on your guano and the merchants
"in England and Elsewhere will come
"to the conclusion that it is of very little
"value. Ships have not yet come hither
"to take the Guano, and the notice pro-
"-posed, in addition to the risk, to make
"them pay 5 shillings per ton register;- in
"either way, therefore, as inducing the
"merchant to consider the Guano
"valueless or as additional to the
"risk it will prevent Ships coming. All
"payments, however, at the present time
"must be voluntary, inasmuch as you
have/

"have no means of Enforcing payment. I do not
"think the periodical visits of a Whale Boat a Suf-
"ficient security, - all would depend on the
"honour of the Captain. - Now when I see the Scramble
"that has taken place for guano everywhere else
"for Guano, and the wickedness shown even
"in face of a Man-of-War, and how in defiance
"of instructions they attempted to take it on
"the Coast of Africa, - and when I consider that
"in England, if an action can be brought (which
"I doubt) the matter would be of so little conse-
"quence that the Government would in my
"opinion initiate no such action against a
"Captain who had brought home a cargo ta-
"ken without leave, - I really think that
"rather than pay 100£ on a ship of 400 tons
"register, the Captain would take the Gua-
"no and not come here. There can be no
"doubt, I think, the ship would rather have
"the Guano free of cost than at that charge.
"The question seems to me to be much in
"the same position that it was when the
"Leveraide first visited New Island. I con-
"curred with Your Excellency in thinking
"that the Enterprise merited a gift of the
"Cargo; I think so still; I think it would be
"to the interest of the Government to hold out
"a sort of encouragement to shipping to be
"first in the market with a cargo of Falk-
"-land Guano. Supposing there are 100,000
"tons, a few ship-loads are of little value, but
"it would be of some consequence to the
"Colony to enable the merchants at home
"to circulate that profitable cargoes of Guano
"had been imported from the Falkland Islands.
"The Effect of such a report in England I really feel
"would be at the present moment of paramount importance.

"Another

"Another aspect of the question is that you
"do not know the value of the Guano and
"it may turn out not to pay freight. If
"the local government puts 5 shillings a
"ton duty on the Guano, it amounts to an
"assertion that facts are before this Council
"that warrant the opinion that the Guano
"is worth that much at least over and above
"the freight. Now whatever advice we might
"give a merchant to speculate, I think
"advice given to your Excellency should be
"grounded on a firm basis. You do
"not know the value of the Guano. A
"ship might lose in England 500£ on a
"Cargo shipped on the inducement of your
"valuation. This reason alone would make
"me advise your Excellency not to put
"any value on the Guano at present. The
"same reason but in a stronger degree would
"I could make me advise your Excellency
"to put only a nominal price on it. You
"could forbid any ship to take the guano
"without a license from the government
"and publish an intimation that all
"Captains who load without such license
"will be prosecuted. This would oblige all
"ships to come in here for a license, and
"could not act as an inducement to them
"to go to the Island and load a cargo
"without leave, and it might be so
"worded as to show that your Excellency
"gave this permission as an inducement
"to Shipmasters to take the Guano. If
"you find the guano of value and that
"ships followed or any reason should
"arise to justify an opinion that the gua-
"-no is valuable, then would be the time

"to

"to place upon it such a duty, as would secure the
"greatest revenue without deterring vessels. The
"present loss of the Levenside (do what can be
"done to explain the cause of the misfortune)
"will tend, I think, to discourage vessels
"from entering upon this speculation. The
"summer is well nigh past, and the time
"for shipping the Guano is short. I doubt
"whether it would be the policy of the Govern-
"-ment to let any wet Guano go into the
"market first. The first impression in
"England is of much importance and with
"a view to this it might be better to dry the
"Guano and sell the first Cargo in the best
"marketable condition even at a loss to the
"Colonial Government.-
"Another part of that notice too, namely,
"fixing a date for the duration of the 5 shil-
"-ling duty, I would respectfully advise your
"Excellency is inexpedient, because it will enable
"shippers at Monte Video, and merchants on the
"American Coast, if they ascertain the Guano to
"be really valuable to send several ships on the
"faith of the present notice, and take away cargoes
"within the period. A merchant in another
"Colony ascertained that there was there a valu-
"able deposit of guano, he freighted 12 or 14 ships
"alone to take it away. The Governor immediately
"puts a price on the Guano, and I should ad-
"-vise your Excellency, if a sufficient number
"of ships came from Monte Video or Elsewhere
"to justify a belief that the merchants had
"ascertained the Guano to be valuable to put a
"fair & just charge upon it. The value of the Gua-
"-no may be proved at any time and then I
"think is the time to fix a value; that period
"may occur within any number of weeks.-

"you /

"you would thus possibly, by putting a low a
"duty on the Guano, lose Revenue, and depre-
"-ciate its value in the market and consi-
"-dering the risk of the speculation, such a
"a duty would also at the present moment
"act to a certain Extent as a prohibition."-

The Governor stated in reply "I have
"listened attentively to Mr. Montagu's obser-
"-vations and could I grant his premises
"I confess I should in many instances
"come to his conclusions. But it appears
"to me that Mr. Montagu is under an
"Erroneous supposition in thinking that
"the Guano has been properly tested, whilst
"at the same time he rejects as of no value
"the testimony of Captain Campbell and
"Mr Norris, his mate, both persons are
"experienced in the Guano trade who
"were both very careful in examining the
"different Kinds found on the Islands,
"that they rejected as valueless the Guano on
"this Island while they incurred both Ex-
"pense and great delay in loading the
"Leveroide at New Island. The axiom laid
"down by Mr. Montagu that Guano from
"a wet climate must necessarily be inferior
"I entirely admit, but I differ from him as
"to New Island being a wet climate. In
"the voyage I made round the West Falkland
"in March last, my conviction was that
"the climate there was decidedly better than
"that of the East island. The Council will
"recollect that persons to my sailing for
"New Island with Captain Campbell we
"had had an unusual quantity of rain
"at this place and the Camp was nearly
"as wet as it is in the middle of winter.

"I had

"had some conversation with Captain Campbell
"on the state in which we might probably find
"the guano at Iwo Island in consequence of the
"excessive rain at this place, and expressed
"an opinion that we should find the weather
"to have been very different there. Indeed so
"firmly was I impressed with this expectation
"that I should not therefore have gone, from
"the impossibility there would have been of
"shipping the Guano had there been as much
"rain at Iwo Island as here. These expectations
"were fully realized, and notwithstanding all
"the bad weather we had here Capt. Campbell
"found the guano drier than when we left
"indeed the whole appearance of the Island
"indicates excessive dryness. During the fourteen
"days that we were on it, the labourers were only
"stopped working for two hours by rain,
"and on no instance did I see even the
"appearance of a swamp. —

"The main question before the Council ap-
"-pears to me to be this, whether a small
"price shall be laid upon the exportation
"of guano until samples shall have been
"sent home, and the instructions of the Secretary
"of State received.' whether it shall be pro-
"hibited, as far as lies in the power of the
"local Government to do so.' or whether ships
"are to be allowed to take it without
"any superintendence or control whatsoever.'
"It is true that I am not in a position to
"state what the value of the guano is, but
"I know that samples have been sent to
"Monte Video and Valparaiso, from whence
"if shipowners think it sufficiently valu-
"-able they will come to procure cargoes.
"I cannot see that we can prevent their

"coming/

" coming absolutely, but I am not dis-
" posed to take so unfavourable a view
" of the honesty or fair dealing of Ship mas-
" -ters generally as to suppose that they
" would evade so small an amount
" of duty. To reserve any statement at all
" of the amount which the Government
" would charge for a licence would I conceive
" either stop them altogether from calling
" at the seat of government, or in the event
" of a refusal of the licence or a high
" charge for it, a desire to smuggle would
" be encouraged. With respect to Mr.
" Montagu's argument that the act of the
" local Government, in fixing for a temporary
" period an Export charge of 5 Shillings a ton,
" would make Shipowners count positively
" on the guano being worth that sum in
" addition to freight. I confess it does not
" appear to me to prevent the fact of Her
" Majesty's Government fixing the price
" of land in a Colony as for instance in
" Australia or New Zealand at 1£ per
" acre or 2£ per acre here. I conceive
" that it is the duty of every intending pur-
" -chaser of land in those places to take
" proper precautions to save himself from
" making an unproductive purchase,
" the Government not guaranteeing in
" any of those cases that the land is
" worth the price charged for it. The
" samples of guano, which have been
" sent to Monte Video or Valparaiso, are
" most probably transmitted to England
" by this time and will enable merchants
" to take such precautions. I confess
" I do not fear any immense exportation
" within

"within the period to which I would limit the
"five shilling duty, I propose to levy in the first
"instance. Every ship that we can induce to
"visit the settlement is an undoubted benefit
"to the Colonists, and I feel still of the same
"opinion that a moderate duty will have
"the effect of bringing ships, the owners of which
"will not object to it. Believing, therefore,
"that any vague undefined notice will lead
"to the loss of trade which might be reasonably
"expected and would induce ships to visit
"new Island direct (where for all the good
"they would do to the Colony they might as
"well go to Patagonia) I can perceive
"no hardship likely to result to merchants
"sending their ships to load here, as they
"would have had the opportunity of knowing
"the value of the Guano, — and if it should
"prove sufficiently valuable to warrant a
"higher charge, they would have the advan-
"tage of obtaining at a low rate until the
"first October next — an advantage in no
"way prejudicial to the Colony, from the
"limited quantity which alone could be
"exported, — while if it is of inferior quality
"no ships will come for it and no harm
"can be done." —

Mr. Hamblin observed that he thought
five shillings a ton a reasonable a-
-mount of duty to charge on the Guano: —
he had at first considered 3 shillings
would be enough, but having gathered
from the masters of merchant vessels
and others information of the charges
made in other places (which were considerably
more) he thought 5 shillings would be a
fair sum, and if the Guano were not

good

good Enough to pay to handle a duty, it would not be worth Shipmasters while to load it at all. —

The Governor stated he would give Mr. Montagu's views every consideration before he came to a conclusion on the subject. —

The Council then adjourned sine die.

Thos Hodgkin
Clerk of the Councils.

The minutes of Council of this date were transmitted to England in the Governor's despatch No. 17 dated 12 April 1852. By Captain Bunbury. —

Executive Council

Tuesday - 16th March 1852.

Present.

His Excellency Governor Rennie
Honorable A Montagu, and
Honorable S. J. Hamblin.

The Council met pursuant to summons
The minutes of the last preceding meeting
were read and confirmed.

The Governor stated to the Council -
"Gentlemen, I regret I have been obliged to request
"your attendance today on a subject of a very
"painful and unhappy nature. On Thursday
"last Captain Reid called on me to say that
"several of his men had complained to him
"of the manner in which the Reverend Mr Hors-
"-ley had addressed them in his church - Cer-
"tain and saying that some of them practically
"objected to being compelled to attend further
"at the church on Sundays. As the subs-
"tance of these complaints will appear in
"the statements of the pensioners who have
"made the objections I think the better course
"will be to read them at once for the inform-
"-ation of the Council."

The clerk then read the following statements;-

Government House Stanley
Thursday 11 March 1852.

In H.E. the Governor's Office in presence of Captain
Reid Staff Officer of Pensioners, - Sergeant Major
Felton was called in and asked by the Governor;-
1. Were you at church on Sunday 1st February?

Inued

2. How many pensioners were present and how many convicts, to the best of your recollection?
About 12 or 13 pensioners, and about 30 in all including children.
3. Did Mr. Woody in his sermon on that day make any remarks in allusion to the authorities on this Colony?
I remember his saying but I do not remember the particular day that it was a Sinful Duty the commands of Governors which were not lawful.
4. In what did you think the remarks particularly apply?
I don't know it was as part of his sermon that it was not lawful to obey commands contrary to the law of God. I do not think it applied to anyone. He was preaching about the slaughter of the Innocents.
5. What effect do you think those remarks would have on the pensioners as regarded their discipline and obedience?
I don't know. I don't think it applied to them: perhaps to ignorant men it might have a bad effect. I never heard any remarks except from Sergeant Smith. Mr. Woody has a strange way of expressing himself and makes remarks that I never heard from a pulpit before.
Sergeant Smith was called in and asked
1. Were you at church on Sunday 1st February?
No Sir I have not been to church since about a fortnight after Christmas - the Sunday after Innocents Day.
2. Do you recollect Mr. Woody making any remarks in his sermon alluding

Dan thorities here."

2. Yes Sir he said we were not bound to obey unlawful orders did not walk righteously — that we were called upon to oppose tyrannical governors who are the same now that they were in the days of Wesley &c.

3. Was Captain Reid at Church that day?
   Yes Sir

4. For whom did you think Mr. Moody applied those remarks?
   My impression was that he meant to allude to Adderley who had just before been dismissed from the force by Captain Reid. I told the Sergeant-major when I came out of church that I should not go again, and if I could not have leave any other way I would turn catholic rather than go.

5. Were any other remarks made in a similar kind?
   One Sunday when your Excellency was at the Settlement, he spoke of Sabbath breaking by our rulers, and that we were not to obey any orders that might tend to a breach of the Sabbath. —

6. Did you ever receive any orders of that kind since you have been in the Colony?
   No Sir

7. Did any of the pensioners speak to you about it?
   Yes, Sir, Barnes and Gillespie have spoken.

8. What effect do you think Mr. Moody's remarks would have on discipline and on the minds of the men?
   If I had been in charge of a detachment of regular soldiers at home, your Excellency, as a Sergeant, I think I should have marched them out of church. —

9. Does Mr. Moody ever visit your house or any of the Pensioners?
   No Sir he has never been in my house.
   The Governor then asked Captain Reid

1. How many out of the 29 men now composing the detachment are protestants?
Twelve are Church of England, twelve are catholics, three presbyterians and two dissenters
Private Gillespie was then asked by the Governor —
1. Do you attend church?
Yes, sir, but I object to go
2. Are you not a protestant?
I am a presbyterian.
3. Have you ever remarked the preaching you heard there?
Yes, sir, the sunday after the Leander was lost Mr. Moody preached a sermon I thought it was against all rulers here generally. Some of the men were making remarks about it afterwards.
4. Does Mr. Moody visit you as a clergyman?
No, Mr. Moody never made any religious visits: in the north of Ireland where I come from I have been in the habit of receiving religious visits twice a year. —
Private Simpson was called in and was so intoxicated to answer any questions coherently.
Private Farrar was called in and asked by the Governor —
1. Do you attend church?
Yes sir but I am a presbyterian.
2. Do you remember any remarks being made by Mr. Moody in reference to authorities here?
Yes, Mr. Moody made remarks (about a month ago) about Governors pressing people and keeping them from church telling us not to attend to them if they did so.
3. To whom did the remarks in your opinion allude?
I considered he alluded to authorities here.

4. What did you think of those remarks?
Several of us were talking about them and we thought he wished to make it appear we were under some oppression. If I had my own church convenient, I should not go there.
5. Do you object to go?
Yes, but I am forced to go against my will.
6. Did any of the pensioners speak to you about it?
Yes, Evans spoke about it and the Sergeant major Sergeant Smith and I came to the same opinion that Mr. Snowdy wanted to persuade us that we were under some oppression. I found I am under no oppression.
7. Did Mr. Snowdy ever pay you any religious visit?
No, Sir. In Scotland the minister used to come round every month to give religious instruction.
8. Did Captain Reid or I ever in any way induce you, or to the best of your knowledge any other man, not to go to church?
No Sir.
The Governor then stated to Captain Reid that he wished to ask him one or two questions.
2. What is your opinion as to the men being partially compelled to go to church?
Since I came to the colony, your excellency, the men have been paraded by me every sunday, weather permitting. By the terms of the pensioners agreements they are to attend every sunday for muster at church parade, and I considered that I was therefore called upon to march the protestant part of the free church, the Catholics being generally dismissed and not called to go. Up to the present day, except when application is made for leave in the granting of which

Increase my dissatisfaction) I have held the opinion that they should go. In consequence, however, of certain remarks having been made to me by some of the men, and their objecting to go to church on account of Mr. Hornby's doctrines not being such as was agreeable to them, I thought proper to bring mention the circumstance to your Excellency and hear your opinion.

2. Have you ever while attending the church yourself heard Mr. Hornby address any remarks to his congregation, which in your opinion can account for the pensioners objecting to go to hear him? I beg to state in answer that I was not present at the sermons attended to by the men who have been examined, but I certainly have been present at sermons preached by him, which appeared to me to be in certain parts very unsuitable to the pulpit, and by no means calculated to edify any body of hearers; so I felt in my own case, and although I am a presbyterian myself and have a large family, I had every disposition to attend the established place of worship in the Colony, and did so for a long time, - but for a considerable time past, my attendance for the reasons above stated has been very seldom.

Although I have before stated that I did read the instructions as binding on me to cause the protestant part of the force to attend church on Sundays, I have, nevertheless, all along entertained doubts of my power to compel

compel attendance and I am now of opinion that it should not be enforced.

The Governor stated he would inform Captain Reid by letter of his opinion.

Signed &c

The Governor then observed to the Council, "I was informed on Sunday last that Mr. Moody had in his sermon on that day alluded to accusations which he said had been brought against him in my office by several of the pensioners. I was then preparing a letter to him enclosing the statements of the pensioners in order that he might be fully aware of what had been said, and I also felt it my duty, although very reluctantly, to take that opportunity of calling his attention to a variety of reports which have been current in the settlement and brought under my notice repeatedly for some time past, of his engaging in secular avocations (in the opinion of my informants) unsuitable to a clergyman. This meeting having been called especially at Mr. Moody's request to give him an opportunity to rebut the words attributed to him by the pensioners, - I shall certainly feel it to be my duty to put the questions before the Council, which I have already put to Mr. Moody in my letter to him of the 15th. instant, above alluded to, - and I think it therefore better that the Council should hear that letter read previous to receiving Mr. Moody's explanations."

The Clerk then read the following letter from the Governor to the Revrend J. A. Moody Colonial Chaplain, dated 15th March 1852.

Sir,

The Enclosed statements of Captain Reid by Major

(See pages 54, 55, 56, 57, & 58. ante.)

Sergeant major Felton, Sergeant Smith and two privates of the pensioner detachment in this Colony will explain to you the unpleasant duty which I feel compelled to perform in calling your most serious attention to the allegations contained in these complaints regarding you.—

2.- You will observe that no question of difference in religious belief is put forth by those persons as a reason for declining to attend divine service at your chapel, but some of them are of opinion that portions of your exhortations are calculated to promote disaffection in them as a military force and to lead them to suppose that they are oppressed and unjustly treated by the authorities of this Colony, whom in certain cases they would be justified in resisting. I have therefore to request you will make such observations as you may deem necessary for rebutting or explaining those charges and submit them to me at your early convenience.

3. I should, however, only partially fulfil my duty were I on this occasion to omit to call your attention to a series of complaints, which have reached me from various parties, some recent and others of an older date, of a laxness in your religious duties whilst you are said to be actively engaged in the sale of intoxicating liquors. I have hitherto refrained from entertaining these charges being willing to believe (as I hope you can make it appear) that they are either unfounded or susceptible of explanation. I will, therefore, only adduce the following instances which, if it can be shown

shown that they have been misrepresented, will stamp the character of the others.

4. I was informed that when John Graham died at the house of Patrick O'Gunn of a lingering disease of six weeks duration, that you never called on him or offered him any religious consolation, although it is said that he would willingly have received it, and that in consequence of what they supposed to be neglect, the owner of, and several lodgers in the house applied to me to be allowed to bury him without religious ceremony; and it was only at my urgent entreaty that you were called on to officiate at the interment.-

5. The statements of some of the pensioners concur in alleging that no religious visits or examinations have been offered by you to them.

6. With respect to the supposition of your being concerned in the sale of butcher-meat in the settlement, I reluctantly call your attention to what I myself saw, (but which if the case had not been corroborated from other sources I should not perhaps have brought before you)- namely that some weeks since I observed you walking a short distance in advance of me with the Captain of a vessel just anchored in the harbour: you conducted him to Captain Parker's half-house; the door happening to be locked, you at the full stretch of your voice, called out repeatedly to the slaughter-house-man to come to you. It is also only a few days since I saw you smoking a clay-pipe at the door of that beef-shop.

7. I am by no means disposed to conclude that these instances constitute a proof that you are actually a partner in an occupation

occupation which in so many accounts would be unbecoming the sacred station you hold in this colony. But in conjunction with the reports which have been made to me, I cannot in justice to myself delay longer to elucidate the facts of the case by requesting you to favour me with a reply as to whether you have any pecuniary interest, direct or indirect, in the sale of butcher meat wholesale or retail in the settlement, or in shipping. I feel bound to add that although you should be able to shew that you have no money advantage in promoting the sale of Captain Packe's beef - I am sufficiently aware that, in a small community such as this where strong competition in the supply of that article now prevails, any participation shown by you must detract seriously from that neutrality, which in temporal matters it is necessary to maintain, to prevent the lessening of your spiritual influence; and the fact that no Government officer attends your church-service, - and only one or two of the upper class of colonists with a very small number of labourers compose your congregation are circumstances of very grave signification, and calling for the most serious consideration on your part as to the causes of that indifference to your ministrations.

8. I find in a despatch from Earl Grey to my predecessor a strong expression of opinion as to the inexpediency of secular employment being mixed up with your spiritual duties, an extract from which I subjoin; —

"I entertain the opinion that the Colonial

Chaplains

"Chaplain of the Falkland Islands cannot fulfil the
"secular duties of a member of the Executive and
"Legislative Councils and be in the commission of
"the peace, without serious prejudice to the spiritual
"interests placed under his charge and I there-
"fore, approve your decision of removing Mr Moody
"from those offices"

9. It is not my sphere of duty to enter upon matters which have no temporal bearings on this I may say that you have an important mission confided to you, undisturbed by sectarian animosities or oppositions; - the Catholics even accepting your offices at christenings and burials; and in no country that I have ever seen are greater opportunities offered or more required for healing dissensions and promoting harmony and good feelings between persons, who have frequently been made hostile by misrepresentations, which your vocation presents you with so many occasions to allay, or dispel, - to advise, or admonish, - not merely in public but with the more soothing and persuasive effects of private intercourse. - I am by no means disposed to attach undue importance to mere externals, but I feel it my duty to state that a compliance with the usual clerical costume is generally expected from and ought not to be overlooked by a ~~clergyman~~ minister of the Established Church.

10. In conclusion I assure you that it would afford me much gratification to receive satisfactory refutations or explanations of circumstances, which I have been reluctantly obliged to lay before you, in order that the excited feeling now prevailing on those matters may be set, at rest and your own efficiency and utility in your spiritual

Spiritual duties strengthened and promoted.

I have, &c. (Signed)

The Governor then asked the members of Council what in their opinion would be the best course to be pursued, - Mr. Moody being at present in attendance with his witnesses whether he should be called in and allowed to produce his evidence before the Council, or whether he should in the first instance be called on to answer specifically the above letter.

Mr. Montagu replied I think the course "most convenient and accordant with the "usual practice would be to wait until "Mr. Moody after Your Excellency letter "upon Your Excellency would then be able "to see from that letter what is admitted and "what denied, and what witnesses (if any) are "required. If you permit Mr. Moody now to "examine witnesses, it is probable that a "great part of the evidence may turn out "in the end to be irrelevant."

Mr Hamblin coincided with Mr. Montagu, and thought the course pointed out by him would be the best.

The Governor stated he concurred with the other members, and proposed that Mr. Moody should be called in, and informed that on receiving an answer to his letter of the 15th. instant, the Council would (if thought necessary) be ready to hear any explanations or evidence he might wish to offer.

The Reverend Mr. Moody was then introduced and the Governor stated "I have laid before the Council the state-"-ments made by Captain Reid and some

"the prisoners on the 11th instant, and my letter
"of yesterday the 15th, enclosing those statements, and
"the Council having given their best consideration
"to the whole subject are unanimously of opinion
"that, until you have replied seriatim to my
"letter of the 5th instant, it would be informal and
"would lead to irregularities to hear evidence.
"When I receive your answer the Council will
"be ready to hear (if it should be deemed ne-
"cessary) any explanations or testimony that you
"may wish to offer."

The Reverend Mr. Moody observed that he was prepared at once to make (verbally) a reply to the Governor's letter, which he would reduce to writing as soon as he could at home, and transmit to the Governor. If the Council complied with his request he could at once adduce his evidence, the witnesses being present.

The Governor stated he would take the opinion of the Council on the subject. Mr. Moody having retired, the Governor asked the members if in their opinion Mr. Moody's request should be complied with.

Mr. Montagu stated "I understand Mr.
"Moody to wish to make a verbal state-
"ment which he would afterwards embody
"in a letter to the Governor. This course I feel
"would be more open to objection than the
"other, because it opens the possibility of a
"discrepancy between the verbal statement
"and the written letter, and would thereby
"give rise to further correspondence; and
"besides it occupies time (necessary) for reflection both
"to the Government and to Mr. Moody"

Mr. Hamilton concurred with Mr. Mon-
tagu and Mr. Moody being accordingly introduced,
the Governor stated "I request that the Council

"are

"are still unanimously of opinion that a
"written Reply to my Letter must first be
"laid before them in order that the case
"may be Entered upon with that calm
"& Deliberation which is so
"desirable in so grave a matter"

W. Woodthorpe returned and the Council adjourned sine die

J. Thompson
Clerk to the Council