

Executive Council

Saturday — 3rd April 1852.

Present,

His Excellency Governor Russell,
Honorable A. Montagu, and
Honorable St. 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 "I have most anxiously and deliberately considered the advice you favoured me with at the last meeting of the Council, with reference to the deplorable divisions now existing between the Colonial Chaplain and a considerable number of the inhabitants of this Colony, whose spiritual superintendence has been committed to his charge. —

"It has not been without every disposition on my part to give Mr. Moody's explanations the most favourable interpretation, that I am unable to say that they appear to me satisfactory. I concur with Mr. Montagu that there is insufficient proof to bring legally home to Mr. Moody the expressions alleged as having been used by him in his sermons, by Captain Reid, Sergeant Smith and Private Lawers; but when it is considered that the testimony against these witnesses is entirely of a negative character (the value of which must of course depend

on)

on the estimate which may be formed of the
witnessed habits, and powers of attending to,
and understanding an address requiring
some concentration of ideas) I cannot help feeling
that the nature of Mr. Moody's preaching must
have been little calculated to improve and
conciliate his hearers. - Mr. Moody's own ad-
missions that he did on certain occasions
preach personally at individuals, - his want
of prudence and judgement in defending him-
self from the pulpit from rumours of charges,
of the nature of which he could only guess at,
the absence of that power to control his rhe-
mence until he had ascertained the nature
of the complaints made against him; and
without regard to the congregation whom
he addressed, composed only of soldiers and
children on that occasion, who quickly spread
in the settlement an account of the scene which
they had witnessed, and consequently ex-
cited among the settlers a prurient curi-
osity which for the first time ever
known nearly filled his chapel; - these
facts collectively, I regret to say, suffi-
cient evidence to bring me to the painful
conclusion that Mr. Moody has taken a
course which in my opinion is in-
compatible with his duties as a clergy-
man in a Government Establish-
ment.

"With regard to the question as to
whether preaching directly at or to persons
individually be or be not a justifiable
or advantageous course for a minister
of religion to a doubt I am aware that
much may be said on both sides. -
Had the effect produced by that practice

in this case been beneficial, had it tended to restrain immorality, or to promote uprightness, or to cherish harmony or good feelings, I should perhaps have applauded it certainly I should have considered it to be out of my sphere of duty to offer any adverse opinion of it. When, however, the result has been to alienate and estrange (with very few exceptions) from attending his ministrations a large majority of the inhabitants of this Colony and those comprising nearly all the educated and intelligent - & I cannot come to any other conclusion than that Mr. Moody has made a most improper and injudicious use of a weapon which can only be wielded with effect and without great danger by a most conciliatory manner and unmistakable motive of benevolence combined with an earnest desire for the moral and spiritual reformation of the parties to whom he personally addresses himself.

"Mr. Moody's own denial supported by Captain Packe's entirely exonerates him from any pecuniary interest in a trade which, in the circumstances of this Colony, I should consider to be highly prejudicial to the neutral position which I think it essential for a minister of religion to maintain. I am quite disposed to allow Mr. Moody the benefit of the denial he has given to the allegation of partisanship in promoting Captain Packe's

Palke's interests, but I feel it necessary to say that I differ widely from Mr. Montagu in the view he expressed ~~in~~ regard to the propriety of Mr. Moody exercising (if he thought fit to do so) a partisanship in favour of one colonist against another, when he is well aware that an active and jealous rivalry is carried on between those persons. I conceive that Mr. Moody has a full right to deal with whom he chooses; but, maintaining that it is his duty to avoid all causes exciting angry feelings or incurring suspicions of favouring unduly one portion of his congregation over another, I am not prepared to admit that in the limited and early stage of society, such as now exists here, it would be a justifiable proceeding in a clergyman appointed by Her Majesty's Government to enlist himself in any party interests whatsoever.

"I have reflected deeply on your reply to the last questions put to you, namely, as to whether there is a fair prospect of Mr. Moody's regaining the moral and spiritual influence which his sacred situation ought to possess; and it is, I feel it my duty to say, too clearly apparent that Mr. Moody's general conduct in the settlement, - his want of that conciliatory deportment, without which his preachings and admonitions only excite antagonism, - his habitual demeanor, - and perhaps other causes have so far lost him the love, veneration, and respect of his flock, that we are except nominally without a minister of religion in the Colony and I fear any reformation on his part, be it ever so sincere or well meant, must
be

for many years fail in regaining that esteem and salutary influence so essential to the due and efficient performance of his clerical duties. -

"I shall, therefore in compliance with your advice forward to the Secretary of State the whole of the proceedings of this deplorable case. Far removed from the discords and unhappy feelings too prevalent here on this subject, Her Majesty's Government will I have no doubt judge more clearly and deliberately than we can on the best course to be taken in this painful and distressing schism."

"In compliance with your advice I have drawn up the draft of a letter to Mr. Moody which I will now read to you -

"Sir, Having, in conjunction with the Executive Council, carefully and deliberately considered the explanations contained in your letter to me of the 17th Ultimo in reply to the allegations which I felt it to be my duty to bring under your notice in my communication to you of the 15th Ultimo, and also seriously reflected on the testimony you have adduced in support of those explanations, - I have to acquaint you of my entire concurrence in the unanimous opinion of my Council that the whole of the proceedings should be referred to the Secretary of State for the consideration of Her Majesty's Government."

"Whatever may be the final decision

of

of Her Majesty's Government on this painful subject, I would in the meantime most earnestly impress upon you the propriety of carefully abstaining from all remarks or observations from the pulpit of a character which may be liable to be interpreted wrongfully (contrary to your intention) as questioning the acts of the authorities here civil or military." —

The above draft, after being slightly amended, was approved of, and the Council adjourned. —

W. H. Throngden
Clerk to the Councils.

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Executive Council.

Saturday 3^d April 1852.

Present,

His Excellency Governor Pennie
Honorable A. Montagu, and
Honorable H. J. Hamblin.

The Council reassembled pursuant
to adjournment.

The minutes of the preceding meeting
were read and confirmed.

The Governor stated "I would wish
to ask the opinion of the Council whether
in the event of W. Moody requesting to
have a copy of the evidence taken before
the Council it would be proper to comply
with his desire."

Mr Montagu replied "I think not, be-
cause I have known several instances
where such copies have been refused,
and where that course was approved of
by the Secretary of State. I believe the prac-
tice in colonies is not to give a copy in
the colony. It is unnecessary to advert to
the number of reasons that might be
urged to justify such a practice,
further than to say that it would produce
and aggravate discord and hatred.
W. Moody might call all the witnesses
before him at his house and examine
them and there would be no end to
the confusion; and besides you
would not get witnesses in future
to give evidence before the Executive Council.

W. J.

Mr. Moody has been present during the whole proceedings, and I cannot therefore advise your Excellency that it is expedient to give him a copy.

Mr. Hamblin concurred in Mr. Montagu's opinion: and the Governor stated: I entirely concur in the views just expressed by the Members of Council, and feeling the aggravation which the propagation through the settlement of the names or the evidence of the parties who have promoted this case would cause, I abstained from naming in my letter to Mr. Moody various parties who had brought the subject under my consideration previous to the statements of Captain Reid and the Pensioners. I therefore, shall feel it my duty (in the event of an application being made by Mr. Moody) to decline giving a copy of our proceedings to him or any person resident in the Colony. —

The Council adjourned sine die

Thos. M. H.
Clerk of the Council.

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Executive Council

Tuesday 15th April 1852.

Present,

All the Members.

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

The President stated, "Gentlemen, I
have to lay before the Council a letter which
I have received from Captain Sullivan in
which he resigns his seat in the Executive
Council. Captain Sullivan having left
the Colony without making any communica-
tion to me on the subject of his seat here, I
wrote to him to know if he had any in-
tention of returning within the period dur-
ing which I was authorized to keep a
vacancy for him, and this is his answer,
dated "Dunrobin Park, Perth, December 15th 1851."
"Dear Sir, I beg to acknowledge the re-
ceipt of your letter of August 13th. As I
have no intention of returning to the
Falklands, I beg you will fill up my
vacancy at the Council whenever you
may think proper. I am much obliged
to you for your offer of keeping it open
to the longest period should I desire it."

It is with great regret that I have been
compelled to summon the Council to-day
and to request your advice regarding some
passages in a letter which the Rev. W. Hooper
has sent to me to be forwarded to Earl Grey
In this letter, which I will presently read to you
there

there are charges brought against myself and (as I understand them) reflections on the course which this Council thought fit to pursue in the recent painful enquiry regarding Mr. Moody. It will be necessary for, me in communicating with Earl Grey, to advert to Mr. Moody's remarks, and I think it desirable that the Council should advise me on them previous to transmission.

The Clerk then read the following letter, addressed by Mr. Moody to Earl Grey dated 10 April 1852. "My Lord, - Gov^r: Rennie having communicated to me his intention of referring for the consideration of H. M. Government certain charges against me I crave your Lordship's indulgence whilst I make a few remarks on the case. -

"2. In the first place I beg most respectfully to call your attention to the system introduced into this Colony by Gov^r: Rennie - namely - holding Courts of Enquiry, examining witnesses and acting on the evidence, while the accused is in total ignorance that there are ^{any} charges against him.

"3. Secondly, to Gov^r: Rennie's receiving private information, or rather slanders, against a Government officer, bringing charges on that information, and then refusing to give up the name of the informer.

"4. Gov^r: Rennie having refused to give me a copy of the notes of evidence about to be laid before your Lordship, I have not the opportunity of making the remarks I could wish. I can only call your Lordship's attention to the following two points for which I made notes at the time.

"5. That Captain Reid was allowed to state his impressions of sermons preached, one more than a year ago the others five or six months ago.

ago, whilst I was desired at the opening of the Court to restrict myself to the sermons of the 28th December and 1st of February and not allowed to examine Captain Parke on my sermons generally. -

"6. I beg also respectfully to bring to your notice Gov^r Rennie's letter of the 15th of March, 7th section last sentence "it is only a few days since I saw you smoking a clay pipe at the door of that beef shop" Before the Council Gov^r Rennie states "I saw you put your hand to your mouth, it might be to remove a pipe, it might be to remove a cigar, it might be nothing" the last being the truth for I was not smoking.

"7. In section 7, Gov^r Rennie states that only one or two colonists of the upper class attend my church: the independent colonists of the upper class are five, Capt^r and M^r Parke, Miss^{es} Williams, Ricketts and Dean, of these four regularly attend my church when in the settlement. Mr. Dean, Storekeeper, states he discontinued for want of proper accommodation. Mr. Whittington is tenant at a short notice of the Government farm and member of the Legislative Council. Captain Hammond and Capt^r Sullivan M^r and family were regular attendants while in the Colony.

"8. I cannot conclude without expressing my sorrow that men should go to church to find names to various sins (against which it is my duty to preach) and if I may use the word to individualise the words of the Bible: but this is always the case in small places, it was so in the days of Addison, and I fear will be so as long

long as the hearts of men remain unchanged. Had Captain Reid spoken to me I think I could have shown him that two of the three sermons were written many years before I had heard either his name or Gov. Pennic's. In the third sermon I was personal, but I think your Lordship will allow the case required it. A very drunken Pensioner was in prison for severely wounding his wife (I had been told her life was in danger). I called attention to his case reminding the force that the only man they had lost died from drink:—as Captain Reid admits, this was the sermon that gave offence to the hard drinkers. I may add that his widow had then been remarried about six or eight months.

"g. In the decided stand I have made against drunkenness and spending the Sabbath in shooting and drinking, I consider I have only been doing my duty, and in some cases I have succeeded, my course has been an arduous one; almost single handed I have fought against these curses, and my reward, as far as this world is concerned, has been that among the witnesses produced against me, one was too drunk to state his objections to my sermons." I have, &c. —

The Governor then stated "I feel it to be my duty to ask your advice on several of the passages contained in ^{this} letter. The first is the second paragraph, in which Mr. Moody accuses me of "having introduced into the Colony the system of holding courts of enquiry, examining witnesses, and acting on the evidence while the accused is in total ignorance that there is any charge against him." I must ask you whether in your opinion there is anything you know of in this case

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case regarding Mr. Moody which justifies him
in making such remarks to Earl Grey. I have,
as you are aware, in this case first re-
ceived the statements of Captain Reid, Ser-
jeant major Filton and three pensioners,
which were carefully reduced to writing
and transmitted to Mr. Moody as soon
as possible. I have also consulted and
acted deliberately and unanimously
with you in every stage of these proceedings.
The object of my question is simply to
request your opinion as to whether
anything has occurred in the course
of this enquiry that appears to you to jus-
tify the complaint to Earl Grey."

Mr. Montagu replied "I understand
your Excellency's question to be, whether,
during the enquiry that has taken
place regarding Mr. Moody, any-
thing has ~~taken place~~ occurred, upon
which the second paragraph of Mr.
Moody's letter can be justly applicable.
"In all investigations of this nature,
assuming (which was not strictly the
case) that Mr. Moody was accused in the
first instance, before Executive Councils,
before magistrates, before the Privy Council,
before the Attorney-general, or elsewhere,
the statements of the accuser support-
ed or not as may be by witnesses is
taken in the absence of the accused,
who is purposely kept in profound
ignorance of the proceedings until a
sufficient case is established to justify
either his arrest or his being called upon
for explanation. - Upon your Excellency's taking
the statements of Captain Reid and the Pensioners,
after

after the representations made to you by Captain Reid, appears to me to have been a just and proper course and not open to such comments as are made by Mr. Moody in that paragraph. Mr. Moody, I am of opinion, has no business or right to complain against the military order of your Excellency and Captain Reid, issued possibly upon the statements or taken, such order was not made against him. The letter which you next transmitted to Mr. Moody was of course the next stage: in this enquiry, therefore, I cannot see anything in what has taken place to justify such a remark. It was a matter, it appears to me, immaterial to Mr. Moody whether the penitents went to church in their uniform or not. There was sufficient time allowed for them to go to church if they so desired. A voluntary congregation I should have thought would have been more grateful to his feelings than an involuntary one. He was not at that time in any way accused. The letter which your Excellency transmitted to him to enable him to explain the circumstances (even if it had produced a satisfactory explanation) would not have relieved the Penitents from their personal objection to attend church under his ministry. — I believe I have now uncovered the question thus limited by your Excellency.

Mr. Hambleton stated he quite agreed in Mr. Montagu's opinion.

The Governor then said, "the second charge brought against me by Mr. Moody is that of 'receiving private information or rather 'handing against a government officer, bringing charges on that information, and then 'refusing to give up the names of the informers.'"

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I stated to Mr. Moody before this Council that I thought it highly inexpedient to give up the names of parties who had made remarks of an unfavourable nature regarding him (but which might be considered speculative) from a desire to confine the enquiry to cases which I had a personal cognizance of, excluding altogether from the deliberations of the Council all others and indeed from my being biased by them. Mr. Moody did not press his demand for the names at that time, otherwise I might (although I still think it be very undesirable) have mentioned some instances. As he, however, now makes a distinct complaint to Earl Grey with reference to what I considered it was desirable for the peace of the Colony to refrain from doing, - and as in the seventh paragraph of his letter he particularly alludes to one of those gentlemen, who had made remarks to me regarding him, - and from the manner in which this gentleman is alluded to it might be inferred that he is not an independent man from the circumstance of his being a tenant at a short term under Government and also his being a member of the legislative council, I feel that it is my duty to Mr. Whittington (thus alluded to) to make a special exception and to call him before you to state his reasons why he is not a member of Mr. Moody's congregation."

Mr. Whittington, who had been requested to attend the meeting, and the Rev. Mr. Moody, who had also been requested to attend, were then introduced.

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introduced, and the Governor stated to Mr. Murdy -
"When you were present at the meeting of this
Council on the 19th ultimo, I explained to you
that I refrained from giving up the names of va-
rious parties, who had expressed opinions to me
regarding your ministrations, from a disinclination
on my part to increase the bitter feelings, which, I
regret to say, now prevail in the Colony; - and
I am still of opinion that this was the most
prudent course, and I am only now induced
to make a special exception to my resolution,
in consequence of an expression in a letter
which I have received from you to be forwarded
to Earl Grey, which I will now advert to. You
state in the seventh paragraph of that letter, with
reference to my remark that only one or two
of the upper class of colonists attend your
church; - that "the independent colonists of the
upper class are five, Captain and Mr. Packer,
Messrs. Williams, Ricketts, and Dean: of these
four regularly attend my church when in
the settlement. Mr. Dean, Store Keeper, states he
discontinued for want of proper accommo-
dation. Mr. Whittington is tenant of a short no-
tice of the Government farm, and member
of the Legislative Council." - It is my opinion
that these words may be taken to infer that
Mr. Whittington has had a pressure applied to
him, or believes that one may be applied
in order to prevent him going to church. If
the word "independent" (scored under as it
is in your letter) is to be applied to all persons
under the influence of the Government there, I
must also infer that it applies to every
Government officer in the Colony, and not
only to them but to every artisan and eve-
ry workman employed by the Government.

Share

I have, therefore, requested Mr. Whittington to attend to-day, and I now feel it to be my duty to put several questions to him which for the peace of the settlement I explained from on a former occasion, and which will probably make it appear that his reason for not attending your ministry proceeded from sources altogether different from and independent of his occupying a government farm, or of his being a member of the Legislative Council. —

The Governor then asked Mr. Whittington —
 1. You mentioned to me sometime since that you were much grieved at Mr. Moody's failing to meet you at Anson to perform the funeral service over your child? I did

2. At that time I declined (not that you pressed me) to found any charge on which I should require Mr. Moody to answer, unless you put your statements in writing this was not done and no ^{or further notice} steps were taken by me. Will you now state to the Council the circumstances under which you felt you were aggrieved by Mr. Moody in that case?

It was in September 1850, that I unfortunately lost my only remaining child, — previous to which I had been bereaved of two, whom I had buried in a stone vault in the burial-ground at Port Louis, which I had built there. — I was anxious that the remains of my third child should rest with the other two, and I applied through a friend (Mr. Andrew) to

To Mr. Moody to perform the funeral rites at
 Port Louis over my child, and in reply was
 told that Mr. Moody considered it a most unrea-
 sonable request, and that it was also out of his pa-
 rish, and advised me to have the remains of my
 other two children brought to Stanton and buried
 here. Considering it a matter in which my own
 feelings were alone to be consulted I wrote to
 Mr. Moody a note requesting to know if he
 would perform the funeral rites at Anson
 over the remains of my child, to which he replied
 (as near as I can recollect) that he did not feel it
 incumbent on him to do so, but that he would
 do it as a favour to Mr. Whittington. I again
 replied, stating that I refused to accept his
 services on these conditions, as I considered it
 his duty and asked accordingly which
 if he were unable to comply with I should
 be under the painful necessity of performing
 the duty myself. Afterward he consented
 to go if I would find him horses, and at
 length he arranged to go part of the way on
 his own horse, namely two-thirds of the dis-
 tance to a point agreed on, where I was
 to provide him a horse to carry him the
 rest of the way to Port Louis. From some misun-
 derstanding or neglect of the parties advised,
 the horse was not at the point agreed on at
 Mr. Moody's arrival. I waited at Port Louis
 with Mr. Andrew for three hours for Mr. Moody's
 arrival, and as he did not come at the
 expiration of that time, the child was buried
 and I read the funeral service over him
 myself. After the burial of the child Mr. Andrew
 and I returned to the spot where the horse
 was to wait for Mr. Moody, distance of ten
 miles from Port Louis. On arriving there we
 found

found that Mr. Moody had been there that morning and had waited about an hour and not finding the horse had returned at once to town. Mr. Andrew and myself on returning to town found he had arrived there about four o'clock of the afternoon of the same day. I felt much aggrieved at this, having offered Mr. Moody every accommodation at Port Louis, a bed, fire, &c; and finding that it could not have been from fatigue of his horse that he was not present as requested, I determined forthwith in my own mind never again to make one of Mr. Moody's congregation, which I have not done from that time to the present hour. This is the cause of my ^{entirely} absenting myself from Mr. Moody's ministrations. - I believe this is word for word what occurred as nearly as I can recollect.

By Mr. Montagu. 3. Did it ever enter your mind that, because you are a tenant of the Government or a member of the Legislative Council, if you attended Mr. Moody's church, you would incur displeasure or punishment in any form from His Excellency?

Never I never dreamt of such a thing?

4. Then I am to understand that you distinctly disavow the express charge of slavery and want of independence implied by that paragraph of Mr. Moody's letter? I entirely disavow it. -

(Here Mr. Moody objected to this question h. 4.)

5. Is the painful statement you have just made the sole cause of your not attending?

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attending Mr. Moody's church?

It is the chief but not the sole cause.

6. Have you any objection to state to the Council your other reasons?

Not any

7. Will you state them?

Peculiar to the circumstances I have stated I was generally a constant attendant at Mr. Moody's church; and on many occasions, I may say generally, the church services were in my estimation conducted in a most careless and irreverent manner. In making use of that expression, I wish it to be understood as applying to such things as Mr. Moody's suddenly stopping ^{in the middle of a prayer} and desiring the clerk to poke the fire, or to order some boys to sit on a different bench or making other remarks so palpable as to banish entirely all religious feeling from the minds of his hearers: - also to his constantly making egregious mistakes in reading even the Lord's prayer showing evidently a great inattention and carelessness while reading the service - so much so that, had it not been for the sake of example to others I should have discontinued my attendance at church, feeling that I could not and did not derive any religious benefit from going there. -

8. How long did you regularly attend Mr. Moody's church?

About a year.

By the Governor. 9. When did you take up your residence at Stanley?

In July 1849

10. Did you, till the melancholy circumstance you have stated regarding your child took place attend pretty regularly Mr. Moody's church here?

Said

I did

By Mr. Inoué.

11. You say you would have discontinued your attendance at Mr. Moody's church sooner but for the sake of example, am I to understand that it was because you are of opinion that Mr. Moody officiates in the church in a careless and irreverent manner?

Most certainly

12. Are you of opinion that his manner of officiating is not calculated to stimulate spiritual feeling?

I am.

13. What particularly enables you to draw so painful a conclusion?

From the statements I have already made of the careless manner in which the church services were performed generally during my attendance, and the excessive blunders made continually, leading to the belief that some other matters must have occupied Mr. Moody's attention during the time he was reading prayers.

By the Governor.

14. How long is the ride to Anson?

About 5 hours easy.

15. Are you a married man?

I am

16. What form of worship do you and Mrs. Whittington profess?

Church of England

17. How many miles is it to Portland?

About 25 miles.

18. Where did Mr. Moody stop and how far was it from Stanley?

He stopped at Long Island about 15 miles from here and 9 from Portland.

19. Did Mr. Moody return from Long Island to Stanley the same day that you expected him at Bellevue? He did, and, I was told, arrived here about 4 o'clock.

20. Did I ever in any way directly, or indirectly ask you to do anything either as a member of the Legislative Council, or as holder of a lease from the Crown, as regards the independence of your action as a colonist, since I came to the Colony?

Never.

21. Did I ever make any condition upon leaving the Government farm, which you now occupy, that you should follow any course which as an independent man you had a right to pursue or not?

Never, or at any time.

22. If I had said to you "I don't wish you to go to church" or that "you ought not to go to church" or even recommended you to go to church, would you have been guided by my views?

Not in the least in such a matter.

The Governor then stated to Mr. Moody that he wished to ask him, whether you admit that you went to Port Louis and returned without performing the burial service over Dr. Whittington's child?

Mr. Moody said he should wish to explain the circumstance, and for that purpose to produce the correspondence between himself and Mr. Whittington regarding the matter, and would for that purpose ask that this question might be adjourned.

Mr. Moody and Mr. Whittington then retired.

After some discussion the Council adjourned.

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adjourned A Wednesday morning
The 14th instant at ten o'clock. —

J. Thompson
Clerk to the Council