

Executive Council.

Tuesday, January 26th 1864.

Present:— A. E. Governor Mackenzie.
E. R. Griffiths Esq^r.
A. J. Hamblin Esq^r.
W. R. Pyne Esq^r.

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The Council met in pursuance to summons.

The oath of Office administered to E. R. Griffiths Esq^r as Member of Council.

The oath of office administered to A. Byng Esq^r as Clerk to the Council.

His Excellency then directed the Clerk to read the Queen's Instructions according to order (read accordingly).

The Minutes of the last preceding meeting were read & confirmed.

A. E. then addressed the Council as follows.

Gentlemen, Members of this Council.

It is with feelings of the deepest regret that I have assembled you on the present occasion for the purpose of submitting to your consideration the conduct of an Officer of this Government, the Reverend W. Bull, Colonial Chaplain, who from his sacred calling is the very last person I had hoped, who would have forced such a proceeding upon me: I have adopted this course most reluctantly, and after very serious consideration, both on account of the persistent disrespect with which he has treated me, and the insubordination he has shown to my authority, and because I find that the long forbearance I have shown is misinterpreted, and my known unwillingness to resort to official means to check his conduct, has been taken advantage of, to such an extent as to leave me no alternative. The position the Colonial Chaplain has assumed for some time past has shown me the necessity of disregarding my private feelings, and of taking that serious notice of his conduct which a conscientious discharge of my duty requires, and I am now obliged to act upon that necessity.

By a recent mail from England I received a

Circular from Her Majesty's Government on the subject of the invalidity of marriages performed by Colonially ordained clergymen. In a matter of such grave importance to the Colony, it became my duty to enquire of the Rev^d W^m Bull whether or not he came under that class of clergymen. And his reply to my letter I will lay before you for your consideration, it is in my opinion sufficient evidence of the spirit which dictates his conduct, it is unbecoming in expression and personal to myself. It will be observed that the Rev^d Gentlemen has underlined the word Scotland in a marked manner. When I received this letter, Admiral Warren was with me and being unwilling to act solely upon my own impression, I asked the Admiral to read the letter, he did so, and said, that he thought it personally impertinent, and that I ought not, in the position of Governor, to submit to it. For my own part I fully felt the necessity of calling upon W^m Bull for some explanation of his conduct, and I accordingly, some ten days afterwards requested his attendance at my Office. He at first stated he had not underlined the word, I asked him to come with me into the Colonial Secretary's Office, & I showed him his own letter, he then said he had done it inadvertently, and subsequently connected it with a remark that he received very curt letters from me. I will not enlarge upon W^m Bull's conduct during the interim which I think is sufficiently explained in my charges against him, and the Colonial Secretary who was present can bear testimony as to what occurred. For my own part I am under the painful necessity of saying that W^m Bull's account of his interview with me is very far from correct: it is full of misrepresentations, and I am deeply grieved at the manner remarks & expressions are attributed to me which I positively deny having used.

His Excellency then directed the Clerk to read the charges against W^m Bull which had been communicated to him by letter on the 15th instant (read accordingly)

Also Mr Bull's letter dated 31st December 1853 therein referred to.

Mr Griffiths requested to know whether the Council had the power to entertain the case, & whether they could take into consideration any flippant letters or discourteous behaviour in any officer.

Mr Pyne said that by the Queen's Instructions which had just been read His Excellency the Governor was empowered to assemble the Council whenever he thought advisable to do so, and in his opinion the Governor was alone responsible in the question of the nature of the matters he laid before them, and that he thought it was the proper function of each Member to give the best advice he could on any subject brought before the Council and to have his opinions recorded in the Minutes, & moreover that it had been always the custom of the Council to entertain similar charges of which many precedents were recorded.

Mr Bull's defence was then read dated the 18th instant together with A. E.'s reply thereto dated the following day.

Also Mr Bull's subsequent letters to A. E. dated the 23rd & 25th instants respectively.

The Council considered over these documents and deliberated for some time.

Mr Griffiths said that he considered Mr Bull's letters discourteous and flippant, & that they were in his opinion evidently intended to be so - and that at the interview in question Mr Bull seemed to have lost his temper.

Mr Hamblin agreed with Mr Griffiths that Mr Bull's letters were most discourteous and that his conduct had been unjustifiable.

Mr Pyne said that there was no doubt that the tone of Mr Bull's letters & his conduct were very unbecoming & disrespectful, & that he thought some means should be adopted to guard against such behaviour in future.

Mr Griffiths said that he was surprised at Mr Bull's displeasure.

displeasure at having been sent for by the Government Messenger as in his opinion it was the kindest way in which H. E. could have done it; and he also thought Mr. Bull was much to blame for the manner in which he had objected to the constitution of the Council, and he thought such objections could not be too highly depreciated as they were most unusual & improper.

His Excellency said he fully agreed with Mr. Griffiths in this opinion.

After some further deliberation in the Council His Excellency said that taking into consideration that Mr. Bull was the only clergyman in the Colony he was most anxious to treat his conduct with every leniency that could properly be exercised. That he thought it was absolutely necessary to maintain due respect for H. M. Government and in his opinion he thought it would be right to reprimand Mr. Bull for his conduct & discourteous letters; to call upon him to make an apology in writing - and to caution him that such behaviour is incompatible with his position as a Government Officer and Colonial Chaplain.

The Council unanimously approved the course His Excellency had suggested, and unanimously passed the following resolutions.

Resolved.

- 1st That the Rev. Mr. Bull, Colonial Chaplain should be reprimanded for his conduct, and for having written discourteous letters to His Excellency the Governor: and he is hereby reprimanded accordingly.
- 2nd That the Rev. Mr. Bull, should be called upon to make an ample apology to His Excellency in writing; and he is hereby required to make such apology.
- 3rd That the Rev. Mr. Bull should be cautioned that his conduct has been incompatible with his position as a Government Officer, and that the interests of the Public Service require that

that such behaviour cannot be countenanced or admitted tending as it does to bring His Government into disrepute: and he is hereby cautioned accordingly.

J^d Symackenzie.
Govr.

Council Chamber.
Falkland Islands.
January 20th 1864.

Executive Council

Saturday. May 14th. 1864.

Present. H.E. Governor Mackenzie.
E. R. Griffiths Esq^r.
W. R. Pyne - Esq^r.

The Council met pursuant to Summons.

The Minutes of the last preceding Meeting were read and confirmed.
H.E. said that he had called the Council together to consider an application he had received from Dr. Hamblin the Colonial Surgeon for leave of absence to proceed to England on the ground of ill-health, which application was directed to be read by the Clerk. read accordingly.

H.E. said that in September last Dr. Hamblin had applied to be superannuated, which application was now under the consideration of His Majesty's Government.

Dr. Macflinton R.N. was summoned to attend, and he informed the Council that he considered Dr. Hamblin to be very seriously ill and that in his opinion he would be endangering his life by remaining longer in the Colony, and gave a certificate to that effect. (ap)

H.E. then proposed to the Members to grant Dr. Hamblin eighteen months leave of absence on the understanding that such leave would expire when any superannuation allowance which His Government might grant him commenced.

Agreed to unanimously.
H.E. then said that in his opinion the Council

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should not separate without recording their great regret at Dr. Hamblin's departure from the colony under such circumstances, and the deep sense of gratitude the colony must feel for his long and arduous services among them. For myself, as president of the Council I think that the thanks of the Council should be tendered to Dr. Hamblin for his able services as a councillor for the long period of twenty years.

Unanimously agreed to.

Mr. Griffiths moved and Mr. Pyne seconded that a copy of this resolution should be sent to Dr. Hamblin.

Agreed to.

M.R. then thanked the members for their attendance and adjourned the Council sine die.

Council Chamber
Falkland Islands.
May 14th 1864.

W. Pyne
Clerk to the Council.

Oath.

I Arthur Bailey Esquire do swear that I will in the place & Office of Member of the Executive Council of the Falkland Islands well & faithfully serve and assist the Governor of the said Islands for the time being with my best advice and that I will keep secret the secret debates of the said Council.

To help me God

September 15th 1864
Council Chamber
Falkland Islands

Arthur Bailey

Executive Council.

Thursday. 15th September 1864.

Present. H.E. Governor MacKenzie.
E. A. Griffiths Esq.
W.R. Pyne. Esq.
T. Bailey. Esq.

The Council met pursuant to Summons.

The Oath of Office was administered to W. Bailey as a Member of Council in the place of D^r Hamblin during that gentleman's leave of absence.

The Minutes of the last preceding Meeting were read, amended, and confirmed.

H.E. the Governor then addressed the Council as follows:—

Gentlemen—Members of the Council.

I have called you together to-day to consult with you as to what steps the interests of the Public Service require that I should take in connection with certain charges it has again become my painful duty to bring against the Colonial Chaplain. It will be in the recollection of the Council, that only about six months ago, the Rev^d Gentleman was reprimanded by this Council for the highly reprehensible conduct he had pursued and cautioned that it would not be permitted ever to happen again.

It has been a matter of the deepest regret to me that the Colonial Chaplain so far from altering in the disrespectful tone of his letters to me, and his habitual insubordination has gone on from bad to worse until I feel that I should be neglecting my duty if I were not to take serious notice of his misconduct—but at the same time I feel great difficulty in deciding how to act. You are all aware of how the former reprimand was received from Mr. Poul. He distinctly declined to comply with the resolutions of the Council and petitioned Her Majesty's Government that the censure passed upon

upon him should be withdrawn, and unfortunately I have as yet received no reply from the Secretary of State on the subject.

It is from this circumstance, manifestly useless again to reprimand an Officer who has shown such contempt for the authority of this Council as to refuse to accept its resolutions, or abide by its decisions - therefore the only practicable course left open to me is one which I am very reluctant to act upon namely to suspend him - and this I do not wish to do, because he is the only clergyman in the colony, and his suspension might cause inconvenience to the colonists generally, who I do not think should be made to suffer for the Chaplain's misconduct.

As Mr. Bailey is a new Member I should wish the Minutes of the Meeting above referred to, to be read over to (or by him) and I will then lay before you for your consideration the charges I have to bring against the Rev. Mr. Bull, together with his defence, and the whole correspondence which has passed in respect of those charges; but before doing so I will briefly recapitulate the leading points of the case I am about to submit to you. In June 1863. I found that the Colonial Chaplain without my sanction ticketed the pews in the Church reserved for Government Officers, and bestowed many of the sittings in them upon Colonists, thereby ejecting the original proprietors: this step gave so much dissatisfaction among the Officers of my Government, that I directed Mr. Bull to remove the tickets, and to conform to the long established custom hitherto acted upon namely that the Officers pews were to be reserved for their use and their families - After much difficulty from the opposition offered by the Chaplain, I succeeded in having the tickets removed. Mr. Bull asserted that he did not think that any Government Officer had any claim to a pew more than to other persons, though the Church

Church is a Government building and all its expenses borne by Government.

For more than a year past Mr. Bull though he removed the tickets did not in spirit comply with my directions in a bona fide manner, inasmuch as the persons to whom he had allotted the pews, still continued to occupy them to the great annoyance of the gentlemen to whom they belonged by virtue of their appointments. This state of things was at last (recently) brought under my notice by the Colonial Secretary who very properly applied first to Mr. Bull on the subject, as his letter will prove - but receiving no redress, as Mr. Bull intimated in his reply that "first come should be first served", he forwarded the matter to me.

I again required Mr. Bull to carry out the arrangements I had conveyed to him last year and told him to direct the Churchkeeper accordingly - he neglected to do so, and has shown by the course he adopted instead, the greatest disrespect to my authority as Governor and to myself personally, as will be gathered from the correspondence I now wish you to consider.

His Excellency also said that it would be seen on the perusal of the papers he was about to lay on the table that the Colonial Chaplain assumed a position of entire independence of the Colonial Government, on the supposition that he was the Rector of a Parish and subordinate alone to the Bishop of London.

The Rev. Mr. Bull in order to strengthen the erroneous position he has taken up appoints Churchwardens, and delegates to them certain functions appertaining to the Church, and when I informed him that I could not recognize such functionaries in a Government Church, all the expenses of which are borne by Government, he replies in his letter of the 29th of August last that it was desired by the Secretary of State that steps should be taken to decide who should be Churchwardens.

I cannot but believe that Mr. Bull is

were aware of the inaccuracy of this statement. He well knows that his propositions for transferring the Church and Burial ground made in 1861. were rejected, the latter by the Secretary of State, and the former by the Colonists, which the following extract from a despatch of my predecessors to His Grace the Duke of Newcastle No. 48 Aug. 20th 1862 will show:

"3. I received a Petition from the leading inhabitants of the Colony, praying that the Church might not be handed over to them in the manner contemplated to the Chaplain & Trustees as suggested. Stating likewise that they were unwilling to incur the responsibility of keeping in repair & maintaining the Building, and praying that the Government would, as heretofore retain control over it. I beg to enclose a copy of a Proclamation I published after having assented to the Petition above mentioned."

In consequence of this Petition from the Colonists, Mr. Bull's scheme was abandoned, and the Government still retain the Church, consequently all the arrangements suggested by His Grace in contemplation of the completion of the transfer such as collecting Trustees and Churchwardens became unnecessary, and the Colonial Chaplain's position remained the same as all his predecessors viz: the Ecclesiastical Officer on the Staff of this Government and borne on the Estimates of the Fixed Establishments of the Colony.

The Clerk then read the following letters by direction of His Excellency:-

Mr. Pyne to Mr. Bull -	August 4 th	1864
Mr. Bull to Mr. Pyne.	" 5 th	"
Governor to Mr. Bull	" 6 th	No. 164.
Governor to Mr. Bull.	" 8 th	" 169.
Governor to Mr. Bull.	" 9 th	Private
Mr. Bull to Governor.	" 17 th	"
Governor to Mr. Bull	" 25 th	No. 183.
Mr. Goss to Governor.	" 11 th	"
Governor to Mr. Goss	" 12 th	No. 174

Mr Bull to Governor. August 17th 1864
 Governor to Mr Bull. " 27th " No. 185.
 Mr Bull to Governor. }
 with Enclosure from Mr Lane } " 29th "
 dated August 27th }
 Governor to Mr Bull. } Sept^r 6th " No. 189.
 containing the charges against }
 Mr Bull. }
 Mr Bull to Governor } " 9th "
 forwarding defence }
 Governor to Mr Bull. " 12th " No. 194.
 Mr Bull to Governor. " 14th "

His Excellency observed that Mr Bull's repeated assertion that Mr Lane had been deprived of his pew in the Church would be best met by the statement of the Surveyor General that Mr Lane never had a pew in Church and that the one he has latterly used belongs to Captain Sibbald by whose permission he sat there.

Mr Bailey said that Mr Bull had spoken to him on the subject about a fortnight ago, and asked him if he did not think it a shame that Mr Lane should be turned out of his pew, whereupon he replied to Mr Bull that Mr Lane never had a pew and that no Agent of the Falkland Islands Company ever erected or fitted up the pew Mr Lane had used, and that he thought Mr Bull was well aware of this.

His Excellency then laid on the Council Table depositions which had been made by Mr Clarke Church-keeper, Mr Gaoler Hocking, Mr Turpin & Mr Byng which he directed the Clerk to read.

Government House.
 Falkland Islands.

August 8th 1864.

Mr Clarke, Churchkeeper, and Schoolmaster states as follows:—

When I received an order from H.E. the Governor, through the Colonial Secretary, to the effect that no persons were to be allowed to sit in the Pews reserved for Government Officers except those forming the household

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of such Officers, I made known this order to the
Rev.^d Mr. Bull, Colonial Chaplain, when he told
me to obey him; he thereupon gave me a
written order (produced) containing a quotation
from His Excellency's letter No. 104 of June 2nd 1863.

Yesterday evening the Colonial Secretary's Pew
was filled by the family of a Publican named
Goss and a woman named Dwyer.

I received the directions referred to above
from the Colonial Chaplain on Monday the 1st
instant, and I have received no additional
order from him since.

Yesterday Evening the Colonial Secretary's
Pew was occupied as herein stated quite
twelve minutes before Divine Service began
and there was abundance of room for those who
went into it in any other part of the Church
(S^d) George A. Clarke.

Read out & signed by Mr. Clarke
in the presence of H.E. the
Governor & the Colonial Secretary }

Stanley, Falkland Islands.
September 13th 1864.

Mr. Gader Stocking deposes as follows:—

At about 10. A.M. on Sunday the 7th ultimo
the Colonial Chaplain came to my house in the
Dockyard and said he wanted to set his watch by
my clock. He spoke to me then about my
daughter sitting in her Master's pew in Church,
and complained that she spread out her
Crimoline which annoyed Goss and his family
when they went there.

I told him that Mr. Pyne had given her
permission as one of his servants to sit in
his pew in the evenings and also to her mother
if she accompanied her there, and I said that
I had nothing to do with it. He then said he
did

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did not mean to find fault with my daughter as he knew she had been put up to it.

He made me understand that he did not wish the pew belonging to Mr. Pyne to be occupied by any other persons than Goss and his family and said it was not worth our while to vex them by going there.

/S^d/ James Stocking.

Charles F. Turpin Esq^r J. P. and Member of the Legislative Council &c &c. deposes as follows:-

I remember meeting Mr. Bull in the road with two or three other people. The conversation when I came up was about the Church and the seats upon which names had been painted. He said it was a great shame that people left him to do all their fighting for them without giving him any assistance and that we ought to write and apply for seats.

I also remember meeting Mr. Bull in front of Gov^t House one Sunday immediately after Church - I was with Mr. Byng - he said he wished the Church was burned down. I remarked it was not a very charitable wish, and hinted at the difficulty in building another. He said he would have no difficulty about raising funds to build a far better one.

I certainly never applied to Mr. Bull for a seat in Church nor complained at having my seat appropriated as it is not even now.

/S^d/ Chas^r F. Turpin

Government House.

Falkland Islands.

14th September 1864.

Henry Byng Esq^r Government Clerk, corroborated the depositions of Mr. Turpin, in respect of Colonial Chaplain, having said in his presence that he wished the Church was burned down - and that if it was he should find no difficulty in building a far better one.

W^m Goss

Mr. Lyss was then called in before the Council and asked by the Governor.

Question I. Did the Colonial Chaplain ever tell you that you and your family might sit in the pew in the Church which you have recently occupied, which belongs to the Colonial Secretary?

Ans: Yes he did tell me I might use the pew I sat in; but I do not know to whom it belongs.

Ques: II. Mr. Lyss was then asked whether the pew was not the one immediately behind the Colonial Chaplains?

Ans: Yes.

Ques: III. Did he not at one time appropriate to you & others this pew by placing a ticket upon such pew?

Ques: IV. Was your name expressed on such ticket?

Ans: Yes he did

Ans: - Yes it had written on it Mr. Churchwarden Lyss.

Ques: V. Had you not always before sat in the Body of the Church like Dettleff and others?

Ans: - I do not know about Dettleff I can only answer for myself.

Ques: VI. But did you not previously sit in the body of the Church.

Ans: - Yes I did, until the Chaplain told me I might use that pew.

Ques: VII. Did Mr. Bull advise or recommend you to write to me your letter of the 11th ultimo?

Ans: VII. No he did not. I told him I was going to do so, and he said nothing.

Ques: VIII. Who said anything to you about the Constable?

Ans: VIII. Mr. Clarke told me that I was not to sit in the Colonial Secretary's pew, and that if I did not leave it I should be removed by the Constable.

Doctor Macflinton was next called in and stated as follows.

Ques: I. Do you remember an interview you had with me in my Office a fortnight ago?

Ans: Yes I do perfectly.

Ques: II. In what capacity did you come to me?

Ans: In that of Churchwarden - but when

your

your Excellency told me you could not recognize such a functionary in a Government Church. I at once resigned that Office.

Some further questions were put to Dr. Macflinton, but that gentleman requested that as the answers involved merely his private opinions, they might not be recorded, which request was acceded to.

His Excellency then said that he thought it would be better that opinions should not be expressed on these depositions until Mr. Bull had had an opportunity of replying to them - and said he should forward copies of them to Mr. Bull in accordance with the Colonial Regulations Chap. III sec II clause 81.

His Excellency then adjourned the Council until Tuesday the 20th instant.

The Council met pursuant to adjournment on Tuesday the 20th instant; - but it being found inconvenient to sit that day the Gov^r again adjourned the Council to Wednesday 21st instant.

Executive Council

Wednesday. 21st September - 1864.

Present. All the Members.

The Council met pursuant to adjournment.
The Minutes of the last preceding Meeting were read and confirmed.

His Excellency then laid on the Table the Colonial Chaplain's defence to the evidence adduced at the last meeting of the Council, and directed the Clerk to read over both the evidence and the defence. Read accordingly.

H. E. then asked the Council if in their opinion any further evidence was requisite, or whether any Member would ask for further explanation, or to re-peruse any document before the Council.

His Ex^{ty} then addressed the Council as follows:-

Gentlemen, Members of the Council, I now invite your opinions on the leading facts of the case as regards the precise position of the Colonial Chaplain in the Colony, dismissing as unworthy of attention the improper insinuations and personal reflections in which the Reverend gentleman indulges throughout the correspondence.

I have also to ask your opinions on the following points - 1st Whether you consider the explanation given by the Rev^d gentleman to the first charge viz. his having neglected to give the directions he was requested to give to the Church-keeper - admissible or not. The explanation given, are 1st (in his letter of Augth 17th) that he had not done so, because, "he wished to keep his mind at such an hour free from irritating questions, and that the Lord's day might pass over our heads before the intricate question was raised" and because "he thought carrying out my directions to him was a duty rather belonging to the Churchwardens than to himself." - 2nd (in his letter of Augth 29th) he states that he "did not comply with my directions because

"No

"he had no time to do so", though the depositions of the Gaoler ~~Hockings~~ shows that he found ample time to go to the Gaol, in an opposite part of the Town and converse with the Gaoler about such directions; it is also well known that Mr. Bull must see the Church-keeper at every Service held in the Church, & that, for some time before the commencement of each Service. Lastly in answer to this charge Mr. Bull states (in his letter of Sept. 9th) that, he did not consider my directions to him sufficiently urgent to require immediate attention: thereby giving three different reasons for the course he pursued.

2nd Charge - The next point I wish to invite your opinions upon is, whether the tone of Mr. Bull's letters to me on matters of Public business is becoming or respectful, when addressed to me as head of the Government - and whether his persistent efforts to thwart and disregard my authority do not amount to decided insubordination.

3rd Charge. I also wish your advice with reference to the offensive letter from Mr. Lane to the Colonial Chaplain, which was evidently forwarded to me with an intention to show disrespect, and I would ask your opinions as to whether you think, the description of apology Mr. Bull has offered in his letter of Sept. 9th ought to be received as sufficient - bearing in mind that he has not yet asked to withdraw it, and it therefore becomes a recorded document in the Office.

I should also be glad of your opinions as to whether you think the position of independence assumed by the Rev. Gentleman is one compatible with his Office of Colonial Chaplain, on the Staff of this Government, and receiving his appointment without any aid whatever on the part of the Colonists, is calculated to inspire respect for the Government. Also whether you think any person in the Colony has any just cause of complaint on account of my having forbidden the Colonial Chaplain to depart from

from the rule of reserving pews for Government Officials which has always been done since the building was first used as a Church (in accordance with the usual custom of the Public Service when such Churches or Chapels are exclusively Government property) and whether they think it creditable or proper for the Chaplain to go about and suggest grievances to persons who otherwise were contented.

Now with regard to Mr. Bull's frequent allusions to what he terms the reception of private evidence meaning of course the depositions of Mr. Turpin, Gadder Stocking and Churchkeeper Clarke, I have to remark that these depositions were not private and never could have been considered so. The conversations referred to with Mr. Turpin took place in the Public Road before an indiscriminate number of persons, and to prove that Mr. Turpin did not consider them private, he repeated them at random voluntarily, and never objected to record in writing what he had so often said verbally. Mr. Turpin's deposition (moreover) is throughout in his own handwriting - and from the fact of his having made it in an official manner he must have known that it was to be made use of. although in his letter to Mr. Bull he seems prevailed upon to assume a tone of virtuous indignation at his evidence having been brought before the Council. If Mr. Turpin considered all he heard Mr. Bull say to be private, I can only say that in my opinion he committed a grave breach of faith in repeating it so freely of his own accord and especially in saying it to me as the head of the Government and Mr. Bull's superior. I deny any one's right to maintain that a conversation with me on matters of Public business can be considered as private, and especially if its object is to reflect on the character of an absent officer. I cannot and will not give my support to so baneful a practice by hearing such things and neglecting to bring them to light. That the
 person

person whose character is traduced may have an opportunity of clearing himself - For any one to object to such conversations being used amounts to this - that, they do not in the least ~~to~~ object to injuring a person, by speaking against his character behind his back, but that they have a horror of its being known - This evidence of Mr. Turpin is the only one Mr. Bull alludes to, for I cannot imagine that he holds himself in a position to have confidential communications with the Gaoler and Churchkeeper. All the other witnesses were examined at the table viz: Dr. Macclintock, Mr. Gos. and Mr. Byne.

In my opinion nothing could be more unfavourable to Mr. Bull's cause than his efforts to screen himself by making objections where he has no ground for doing so - The whole defence shows that he does so because he admits the charge and is unable to disprove them.

Touching Mr. Bull's demand to be heard, I maintain he has no right whatever to make such a demand, he wrongly says evidence has been given to the council without his having a chance to reply to it - This is contradicted best by saying that, before I permitted even an opinion to be expressed in respect of such evidence, I adjourned the council and sent him copies of it to defend himself against it, and I have laid his defence on the Table.

Furthermore Mr. Bull asserts very often in his correspondence that, his congregation has been materially diminished by my requiring him to conform to the long established regulations as to sittings for Government Officers, and it will be remarked how various are the reasons assigned by him for this supposed diminution in the attendance at Church. In the same page of his letter of the 19th inst. he gives two distinct causes for it, first, that it has arisen because I would not allow him to make alterations by including Officers at his will (secondly) because of the anticipated intervention of the Constable.

Again I think it right to offer explanation on one more point, and that is, Mr. Bull's reference to the Proclamations of the 8th June 1862, as he tries to make it appear that ^{he has made alterations in the Church whereas the truth is,} I have done nothing of the kind, and have merely prohibited him from causing dissatisfaction by breaking through that Proclamation himself by ejecting Government Officers from their seats. In conclusion you must please to bear in mind, that, I can have no earthly object in bringing this painful case before your notice, than that of the good of the service.

Mr. Pyne said "I am sorry to find from the correspondence which has been read that the Colonial Chaplain has made statements which required explanation on certain points where he mentions my name, and although your Excellency has kindly dismissed as unmerited the extraordinary personal reflections of the Rev^d gentlemen, I would ask to be allowed in a few words to correct what is likely to lead to a misconception of the case.

Mr. Bull dwells very much on the subject of the Constable, and insists that I directed the Church Keeper to order him to turn certain persons out of their seats. This assertion is incorrect in the sense it is introduced - Mr. Clarke the Churchkeeper immediately after his interview with your Excellency suggested to me the supposition that it was possible that any one might refuse to conform to the Rules of the Church in respect of sittings, and that if they did he could not force them to do so; and he asked what he was to do if any one made a disturbance. I told him he need not be afraid of that, as such a thing was not likely to arise, & if any one did misbehave in Church, there was always a Constable to keep order.

There is only one more point I think it right to refer to, and that is, Mr. Bull's frequent repetitions about my "one domestic" as he ^{has} pleased to term my nursing maid - It is hardly sufficiently trifling

trifling to be passed over, because the Chaplain has used these words so often to endeavour to show that the whole pew was devoted when I did not attend Church myself to one person only - now the fact is that if all my servants went to Church together the pew would be full. Mr Bull is well aware that I never object to any person sitting in my pew when there is room. The reason I wrote to the Chaplain on this, & to your Excellency, was because my servants were utterly excluded - and this is apparent as shown by Mr Gross's evidence by Mr Bull's express directions.

I should also wish to explain that the Colonial Chaplain is in error when he states that my pew was assigned to the Publican's pew before I occupied it - I have sat in the same pew for the seven years I have been in the colony, and no difficulty ever arose until the Colonial Chaplain in June last year placed a ticket on the pew reserving it for the Publican mentioned and two common labourers.

Mr Griffiths said he felt very strongly the impropriety of Mr Bull's conduct; that in his opinion the evidence before the Council showed that he had intentionally neglected to comply with His Excellency's directions - that he thought the general tone of Mr Bull's communications, and the personalities he had introduced exceedingly objectionable, and that he thought Mr Bull very much to blame for sending to the Governor of the Colony, Mr Laue's letter of the 27th of August, which reflected on every Government Officer - Mr Griffiths also said that he could not consider that Mr Bull's apology was sufficient, as he had practically refused to withdraw it as suggested by His Excellency, and must have known that it is impossible to withdraw a part of a document without withdrawing the whole of it.

Mr

Mr. Bailey said, he fully agreed with Mr. Griffiths that Mr. Bull had acted very wrongly through haste and especially in endeavouring to create in the colony feelings of excitement and discontent on a subject where no one was to blame but himself.

After a deliberation of four hours the Council unanimously passed the following Resolution

Resolved;

That the Colonial Chaplain has no ground for demanding to be present at the Council either to produce fresh evidence, or to cross examine the witnesses whose depositions have already been sent to him for his explanations: and they unanimously consider it is very undesirable that the Chaplain's demand should be allowed as there are insuperable objections to it.

That on mature deliberation the Council consider the Rev. Mr. Bull, Colonial Chaplain, is guilty of all the charges brought against him by His Excellency the Governor.

That Mr. Bull's conduct deserves the punishment of suspension, but the Council fully agree with His Excellency the Governor that it would be impolitic to carry out this sentence in consequence of the Rev. Mr. Bull being the only clergyman in the Colony; and on the ground that his suspension from his duties might cause inconvenience they recommend His Excellency not to inflict that punishment; but they would at the same time urge that in the opinion of the Council it is highly expedient that such notice should be taken of Mr. Bull's conduct by Her Majesty's Secretary of State for the Colonies as will obviate the possibility of his repeating it.

That having reprimanded Mr. Bull before for similar conduct and his having treated that reprimand with contempt, the Council feel that it would be useless to recommend His

Excellency

Excellency the Governor to reprimand him again, and on that ground think that the only course open to His Excellency is to leave the case to be dealt with by Her Majesty's Secretary of State.

That until the decision of Her Majesty's Secretary of State is known the Council advise the Colonial Chaplain should be cautioned that on a repetition of similar conduct the Council it would be their duty in the interests of the Public Service to recommend His Excellency the Governor to suspend him at once.

A. Byng.
Clerk to the Councils.

Executive Council.

Wednesday. 9th November. 1864.

Present: - His Excell^{ty} Governor Mackenzie.
 E.R. Griffiths Esq^{re}
 W.R. Pyne. Esq^{re}
 A. Bailey. Esq^{re}

The Council met pursuant to Summons.

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

The Governor then said: - Gentlemen - I have asked you to attend here to-day that I may have the benefit of your advice as regards the execution of Manuel Gill now lying under sentence of death for the wilful murder of John Rogers Rudd - I wish each of you to tell me whether in your opinions there are any mitigating circumstances in this unhappy case, which would justify me in pardoning or commuting the sentence of this wretched man. I only feel it necessary to beg of you to consider how terrible a thing it is to take away the life of a fellow creature, if Justice can be satisfied by a more lenient punishment: yet at the same time, I feel sure you will agree with me, that, the safety and welfare of the whole Colony demands that no undue leniency should be shown, if there exists no adequate reason for staying the course of the Law. I have now to lay before you the report of the presiding judge upon the Trial of Manuel Gill the murderer.

Police Office. Stanley.
 November 4th 1864.

Sir,

I have the honour to report to your Excellency that Manuel Gill was on the 1st inst. convicted before the Magistrates Court of the Wilful murder of

of

of John Ridd, and that upon such conviction sentence of death was passed upon the said Manuel Gill.

I beg to enclose for your Excellency's perusal a copy of the evidence taken on the trial and I have the honour to be

Sir,

Your Excellency's obedient servant

18th Edw. B. Griffiths

Chairman of the
Magistrate's Court.

His Excellency
Governor MacKenzie.

88.

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and I propose that the evidence be now read. (the evidence taken at the trial in the Magistrate's Court was then read throughout).

The Governor then called upon Mr. Griffiths as Presiding Judge to give his opinion.

Mr. Griffiths said that the first question was, did the prisoner commit the crime of murder? and the jury found in answer to that, that he did. The next question is - Is there anything in the evidence that can reduce that crime to manslaughter? In his opinion there was nothing. The next question is - if he did commit the crime of wilful murder is there anything that can or ought to influence the Executive to commute his sentence? He could see nothing, there was no petition in his favour - all people seemed to be entirely agreed upon the justice of the sentence, while on the contrary public safety in his opinion demanded that an awful crime should be punished with exemplary rigour.

The Governor then asked Mr. Pyne for his opinion.

Mr. Pyne said, from the evidence which has been read and from the many opportunities he has had as Coroner and Prosecutor of hearing the painful circumstances connected with the atrocious murder I feel has been committed, I can only say that there

there is not the slightest doubt in my mind of the prisoners guilt. I think so far from there being any extenuatory points I can only think that the crime becomes aggravated in every page of the evidence. I think there are no mitigating circumstances - It is almost impossible to conceive a more premeditated & determined case of murder, and one more utterly wanting in any facts which could call for an interference of the Executives in the sentence. The jury did not even add to their verdict a recommendation to mercy. I regret deeply I cannot recommend your Excellency to commute this sentence in any way or to pardon the unhappy criminal. My conscientious opinion is that the Law should be allowed to take its course.

The Governor next asked Mr Bailey for his opinion -

Mr Bailey said that he had been once already called upon to give his opinion, & that he still saw no cause for altering that opinion - And that he fully agreed with Mr Pyne in thinking that it was a most savage and premeditated murder - & that he considered the sentence a just one -

The Governor then said, Gentlemen - I have to thank you extremely for the attention you have given the subject, and for your advice; and I will take the whole circumstances of this lamentable case in my most serious consideration and report my decision to the Magistrates Court.

His Excellency then adjourned the Council sine die.

W Pyne
Clerk to the Councils