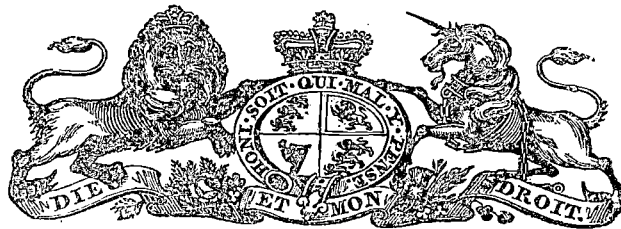


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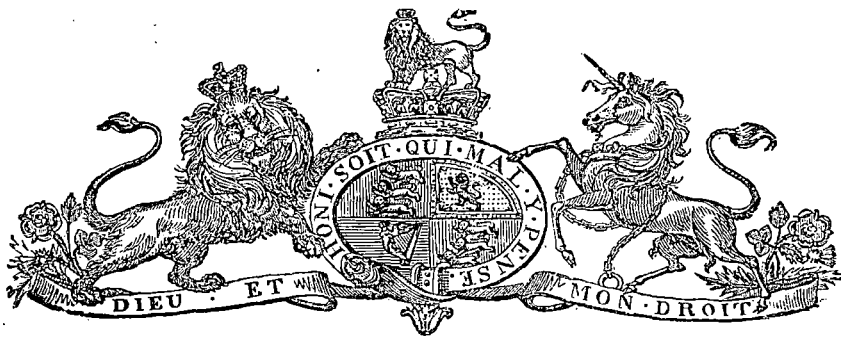
TASMANIA.

COLONEL BROUGHTON.

DESPATCHES.

Return to an Address to His Excellency the Governor. (Mr. Henty, 28 August.)

Presented by Mr. Chapman, by Command of His Excellency the Governor, and ordered by the House to be printed, 2 September, 1862.



DUPLICATE—TASMANIA.

[*Separate.*]

Downing-street, 26th December, 1861.

SIR,

I HAVE the honor to inform you that I have received a letter from Colonel Broughton, R.E., complaining of his having been removed from his seat in the Executive Council without any formal charges against him, and without a hearing. You will have the goodness to explain to Colonel Broughton that he was not removed on account of being accused of an offence,—in which case he would have been entitled, as he represents, to have distinct charges preferred against him, and to enjoy an opportunity of making a defence,—but, on account of his constantly differing with his Colleagues and the Governor, he was taken out of the Executive Council, which is a Council of Advice, on the same grounds on which a political opponent must have been removed from it; viz.,—that his presence there could only be a source of embarrassment, and not of advantage, to the Public Service. No one can claim to sit as a right in an Administrative Board with which he finds it impossible to agree.

I have the honor to be,

Sir,

Your most obedient humble Servant,

NEWCASTLE.

Governor GORE BROWNE, C.B.

g.c. g.c. g.c.

TASMANIA.—No. 2.

Downing-street, 20th January, 1862.

SIR,

I HAVE the honor to inform you that I duly received your predecessor's Despatch, No. 92, of the 18th of October last, respecting the refusal of Colonel Broughton to hand over a certain Cottage and some Land at Launceston, known as the Engineer's Office, to the Colonial Authorities.

I considered it to be apparent, from the facts shown at pages 7 and 8 of the printed enclosure to Sir H. Young's Despatch, that Colonel Broughton was wrong in the view which he took of this subject, and that the premises were not wanted for any Military purpose. It likewise could not add to the credit to be given to Colonel Broughton's authority in this matter that, at the very moment when he was refusing to surrender these premises on the ground of their forming the Royal Engineer's Office, he proceeded to let them at a yearly rental of £40 to a private person.

I therefore offered to the Secretary of State for War my opinion that Colonel Broughton had been in error; and Sir G. Lewis has agreed that, as the premises in question appear to be no longer required for Military purposes, he will issue instructions for their surrender.

Sir G. Lewis has, however, expressed an opinion in which I concur,—that the Colonial Authorities ought not to have endeavored to obtain possession of the property by a threat of legal proceedings, but that the proper course was the one (which was ultimately adopted) of submitting the case for the decision of Her Majesty's Government.

I have the honor to be,

Sir,

Your most obedient humble Servant,

NEWCASTLE.

Governor GORE BROWNE, C.B.

g.c. g.c. g.c.

TASMANIA.—No. 3.

Downing-street, 20th January, 1862.

SIR,

I HAVE the honor to inform you that I have had before me two Despatches from your predecessor, Nos. 86 and 87, of the 19th of September, relative to certain proceedings of Colonel Broughton, who was at that time the Commanding Royal Engineer in Tasmania. I also received a Letter from Colonel Broughton, dated the 21st September, complaining that he had been removed from the Executive Council without having had charges preferred against him.

As regards the last subject, I should wish you to point out to Colonel Broughton, if he be still in the Colony, that he was not taken out of the Council on account of being accused of some offence,—in which case he would, undoubtedly, have been entitled to receive specific charges, and to have an opportunity of defence,—but he was removed because, being a Member of a Council of Advice, he was in a state of permanent opposition to his Colleagues, and to the Governor, whom that Board is intended to assist with its counsels. Under no system of Government can a Public Officer expect to remain associated in Administration with persons with whom he finds it impossible ever to agree.

Turning from this topic to the differences which form the subject of your predecessor's two Despatches, Nos. 86 and 87, I cannot better convey my opinions to you than by transmitting the enclosed Copy of a Letter, in which I directed them to be communicated to the Secretary of State for War. It was with no less surprise than concern that I saw that an Officer holding high rank could suppose himself at liberty to commit a breach of official confidence, and to make an appeal to local political parties against any decisions of his Superiors or views of his Colleagues which might be unpalatable to him, or opposed on public grounds to the continuance of the appointment which he filled. I have to inform you that the Secretary of State for War and His Royal Highness the General Commanding-in-Chief entirely concur in my opinion, that the conduct of Colonel Broughton rendered it necessary that he should be at once removed from any Command in the Australian Colonies, and that orders have, accordingly, been sent out for his withdrawal from Tasmania.

I may take the same opportunity of acquainting you that, in consequence of the small force of Royal Engineers now serving in Tasmania, it has been determined to send out an Officer of the rank of Captain to take command of the Royal Engineers in the Colony.

I have the honor to be,

Sir,

Your most obedient humble Servant,

NEWCASTLE.

*Governor GORE BROWNE, C.B.**Sir F. ROGERS to the Under Secretary for War.*

(Copy.)

Downing-street, 21st December, 1861.

SIR,

WITH reference to the Correspondence which passed between this Office and the War Department in March and April last, relative to certain proceedings of Colonel Broughton, the Commanding Royal Engineer in Tasmania, I am directed by the Duke of Newcastle to enclose, for the consideration of Secretary Sir G. Lewis, Copies of two further Despatches from the Governor of the Colony on the same subject.

Colonel Broughton made much opposition, it will be remembered, to giving up a particular building for the use of the Volunteers in Tasmania. He differed from the Colonial Government; he was over-ruled by the General Officer Commanding in Australia, but would not submit to his decision; he was pronounced by the Secretary of State for War to have erred in judgment.

When the Question had been settled by the highest authorities at Home, it might have been supposed to be laid at rest; but the Duke of Newcastle regrets to find that this was not to be the case. By the enclosed papers it will be seen that the leader of the Opposition in the Colonial Parliament has taken up the subject, is calling for all the papers, and, in fact, is passing in review the decision of the proper authorities upon the proceedings of an Officer in the Army, and upon the disposal of an Imperial Military building.

That the majority of the Legislature are in accord with the Governor is apparent from a passage at page 126 of the printed papers annexed to the Governor's Despatch, No. 87. Sir Henry Young's answer at page 127 is worth quoting:—

“I regret that, contrary to my expressed wishes, Colonel Broughton has caused the public inconvenience of needlessly re-opening, in a popular Legislature, a difference between the Civil Government and the Officer Commanding the Troops, which had been already ended by higher authority.

“It will be, if they see fit, for the Military Authorities to take care to prevent this case being cited as a precedent for Military Officers in the Colonies appealing to other than their Military Superiors for redress of alleged professional grievances.”

It is true that Mr. Whyte, the leader of the Opposition, has said, in answer to a question at page 34:—

“Notice for the production of the Correspondence was placed on the Notice Paper without reference to Colonel Broughton.”

But, by the Correspondence at pages 6 and 7 in the last of the printed papers appended to the Governor's Despatch No. 87, it will be seen that, when asked distinctly to state whether he had given his consent to the agitation of his case in the Local Parliament, Colonel Broughton made no direct answer to the question. There appears too much reason to fear that he was a promoter of this appeal against his Superiors to political party in a small Colonial Legislature.

In the next case, reported in the Governor's Despatch, No. 86, the line taken by Colonel Broughton is attested by his own admission. Under the orders of Her Majesty's Government, the Governor, the Colonel Commanding the Troops, and the Assistant Commissary-General formed a Committee and framed Minutes of the Estimates for next year's Military Expenditure; within less than a week, the Governor, to his astonishment, saw an article in the opposition newspaper publishing their opinions, and violently abusing himself for the reductions which he had recommended to the Queen's Government. He wrote to his two Colleagues. The Assistant Commissary-General immediately denied that he had communicated on the subject with any one. Colonel Broughton, on the contrary, avowed that, alarmed at the extent of the proposed reductions, he had conversed about them with “influential gentlemen,” and had mentioned his objections to the Governor's views. Such an avowal dispenses with all need of comment. Colonel Broughton betrayed the confidence reposed in him as a Public Officer; and his fault is aggravated by the fact, that the largest of the reductions, against which he contended by such unlawful means, was the abolition of his own place.

The Duke of Newcastle feels it incumbent on him to draw serious attention to Colonel Broughton's proceedings; and, whilst leaving it to his Military Superiors to determine what notice his conduct deserves in other respects, His Grace must request that Colonel Broughton be immediately removed from any command in the Australian Colonies, since it will be impossible to carry on the Government there if an Officer holding high rank thinks himself at liberty to violate official confidence, and to appeal to the Colonial Parliament and the Local Press in any case in which the decisions of his Superiors, or the views of his Colleagues, may either not agree with his own opinions or not accord with his personal interest.

I am, &c.,

F. ROGERS.

The Under Secretary of State for War.