

(No 62.)



1861.

TASMANIA.

COLONEL BROUGHTON.

CORRESPONDENCE.

Laid upon the Table by Mr. Chapman, and ordered by the House to be printed,
13 September, 1861.



Commanding Royal Engineer's Office, Hobart Town, 13th September, 1861.

SIR,

As I observe the Correspondence respecting the Launceston Store has been ordered to be printed by the House of Assembly, I have the honor to forward you such portions of the Correspondence as have not been included in the Paper presented by Mr. Henty to the Legislative Council, which completes the Correspondence up to this date. At the same time, I desire to supplement this Correspondence by an answer to your Letter of 23rd April, 1861.

At the time this Letter was received, I was seriously ill and unable to attend to it. The question of the Store at Launceston had (practically) been settled by the Secretary of State for War having allowed the Colonial Government temporary occupation; the necessity for an answer was not immediate, and it was deferred until the interest in the question had ceased. Your Letter, however, having to be laid on the Table of the House, necessitates my answer as to what you were pleased to call the "inaccurate and superogatory portion" of my Letter of the 11th April, 1861, "wherein I infer, from the enclosure of your Letter, and from the Letters of the Volunteer Officers, that the fact is demonstrated that it has not been for the Volunteers that the Launceston Store has been sought on the part of the Colonial Government."

It is notorious that all the vulgar abuse to which I was subjected was based upon what was termed my obstruction to the Volunteer movement, by withholding the Commissariat Store from their use. The accommodation they sought was never refused them, although, under my instructions, it was strictly my duty to have done so; and it was only on the representation, and my desire to meet His Excellency's wishes, that I exceeded my instructions (reporting the matter home,) and consented to their request to occupy the Upper Floor. So far from the Barrack Room, which was offered as a substitute, to which you refer, being unsuitable as a place of drill, it has been constantly used for this purpose by one of the Launceston Volunteer Corps ever since. The Parliamentary Address alone would not justify my exceeding my instructions. Your "fact" of the 11th December, as brought to notice by your Director of Public Works, is not mentioned in any of my Correspondence, because it is not a "fact"—the building in Charles-street, Launceston, which you rely upon to establish such "fact," is a wooden boarded building, isolated, unprotected, and insecure. It was broken into some 9 or 10 years ago, a considerable portion of the stores stolen, was disused at that time in consequence, and has been allowed to go to decay.

In conclusion, I beg to observe, on the last paragraph of your Letter, that the Volunteer Officers assert they have had, all along, all the accommodation they require; and beg to apprise you, with regard to the Military opinion you express of Lieutenant-Colonel Russell's position, that that Officer is as much under my command as any other Officer in the Colony.

I have the honor to be,

Sir,

Your most obedient humble Servant,

W. E. DELVES BROUGHTON,

Colonel Commanding.

The Honorable the Colonial Treasurer.

Commanding Royal Engineer's Office, Hobart Town, 28th November, 1860.

SIR,

I HAVE the honor to acknowledge the receipt of your Communication of 31st October, sent through His Excellency the Governor of this Colony, respecting the Commissariat Store at Launceston, which reached me last night. Not having been favored by His Excellency with his Communication addressed to the Major-General, I have not the power of knowing its contents; but, from the

tenor of your Letter, it would seem the Major-General was led to suppose the accommodation sought for by the Volunteers at Launceston had been withheld from them. I have therefore much pleasure in disabusing the Major-General's mind on this head.

The room they asked permission to occupy was immediately conceded to them, and has been in their use and occupation ever since.

It is necessary the Major-General should know that it is not, and has not been, for the accommodation of the Volunteers that the remainder of the Stores has been sought. These Stores, up to this time, have been filled with all sorts of stores belonging to the Colonial Government, and were so at the time they gave the keys up to my Department; and therefore it is not true to say the Volunteers either require or could have used these Stores, if they had had them, until the Colonial stores had been removed,—this is in process of being done at this time, at my request. The Major-General should also know that (although the Barrack at Launceston only holds 100 men), from Launceston having been formerly occupied by a Regiment, the Barrack-Master's stores consist of all necessaries for 1000 men, requiring a large space for stowage.

I do so regret that His Excellency the Governor should have taken the Colonial view of this matter, so opposed to Imperial interests; but feel confident it will be a satisfaction to the Major-General to know that the Volunteers have had, and now have, all the accommodation they require, and that the rest is an effort of the Colonial Government to obtain the whole building for other purposes than those of the Volunteer movement.

I request the Major-General's attention to the Letters in the Correspondence sent to him, relative to this building, as laid before Parliament,—particularly to Mr. Hudson's Letter, 26th June, requesting the use of the *Upper Story*;—my answer thereto,—my Letter of 17th September, acceding to the desire of the Volunteers, and request to the Barrack-Master to order his Serjeant to open the upper part of the building for their use,—and my Letter of 20th September, 5th paragraph, to His Excellency the Governor.

I have, &c.,

W. E. DELVES BROUGHTON,
Colonel Commanding Royal Engineers.

*Lieutenant-Colonel CAREY, D.A.G.,
New Plymouth, Taranaki, New Zealand.*

[New Zealand, 61-114.]

Deputy Adjutant-General's Office, Camp, Waitara, 4th February, 1861.

SIR,

In reference to my Letter of October 31st, 1860, and to your reply of 28th November, 1860, as it now appears that the Commissariat Store has not been handed over to the Colonial Government for the use of the Volunteers, I am instructed by the Major-General Commanding to desire you to explain why this has not been done, and the Barrack stores placed in the Barracks at Launceston. If these stores can be safely stored there as directed, you will be good enough to cause this to be done, and the Commissariat Store handed over to the Colonial Government on the terms stated in my Letter, October 31st, 1860, unless in the meantime you have received other instructions from the War Office.

I have, &c.,

ROBERT CAREY, *Lieutenant-Colonel, D.A.G.*

The Officer Commanding in Tasmania.

Commanding Royal Engineer's Office, Hobart Town, 14th December, 1860.

SIR,

It is with extreme regret I have to forward a further Correspondence that has taken place respecting the Commissariat Building at Launceston, a subject which I had hoped would have been allowed to rest, pending the decision of the authorities at home.

It will not fail to be observed that the Volunteer movement has been made most unfairly and untruly the excuse for seeking to obtain the entire possession of this Building. The Volunteers have never had or required more than the Upper Story of this building, which I at once granted them; and it is neither more nor less than an effort on the part of the Local Government of this Colony to possess themselves of a valuable property belonging to the Imperial Government and required for Imperial interests, and which it has been my duty (under the instructions framed for my

guidance,) to resist. And I do trust, notwithstanding the part His Excellency the Governor has thought proper to adopt, I may be supported in the execution of my duties, and defence of Imperial interests in this Colony.

I have, &c.,

W. E. DELVES BROUGHTON, *Colonel Commanding the Royal Engineers,
and Commanding the Troops in Tasmania.*

The Under Secretary of State for War.

Colonial Treasury, 14th December, 1860.

(A)

SIR,

I HAVE the honor to acquaint you, in connection with previous Correspondence respecting the Commissariat Stores in Launceston, that instructions were some time since given to the Director of Public Works to remove all Colonial property from these Stores; but it appears that his operations were interrupted by the Royal Engineer's Department prohibiting the removal of coppers erected by the St. Andrew's Society for Immigrant purposes.

The Director has since been verbally applied to, by you, to resume the work of removal; and, under these circumstances, that Officer has applied to me for instructions. Having submitted his Communication, I have the honor to acquaint you that the Governor in Council, being now made aware that the Military have accommodation for the Barrack stores in the unoccupied Barracks, and also in the Military Store in Charles-street whence they were originally removed, declines to order the removal of the Colonial stores from the Commissariat Store until instructions are received from the Secretary of State.

I have, &c.,

FRED. M. INNES.

Colonel W. E. D. BROUGHTON, R.E.

Commanding Royal Engineer's Office, Hobart Town, 21st December, 1860.

SIR,

IN consequence of the receipt of the Communication enclosed (marked A), from the Colonial Treasurer of this Colony, I have again to supplement my Letter of the 14th instant. The Governor in Council having declined to order the vacation of the premises at Launceston, obliged me to place the matter in the hands of the Legal Adviser of the War Department. From the keys being in possession of the Barrack Department, it would appear nothing further would be necessary than to eject the Colonial stores; but as this would place me in an unseemly attitude towards the Governor and Colonial Government, I have thought it better to protest against what would, in civil life, be considered an illegal act, and report the matter for your consideration, trusting the part I have taken in defending the Imperial interests will meet with your approval and support.

I have, &c.,

W. E. DELVES BROUGHTON,
Colonel Commanding Royal Engineers.

The Under Secretary of State for War.

Artillery Office, Launceston, 4th March, 1861.

SIR,

IN answer to your enquiries respecting the accommodation for the Artillery Volunteer Corps in this Town, I beg to say that we have all the accommodation we require, or have ever sought for.

I am, &c.,

J. O'CONNOR, *Adjutant.*

Colonel BROUGHTON, Commanding the Troops in Tasmania.

Launceston, 5th March, 1861.

SIR,

IN reply to your enquiry with respect to the accommodation afforded the Launceston Volunteer Rifle Corps by yourself, in the use of the rooms at the Barracks, I was not in the Corps in its

early days; but, since I have known anything of it, we have not suffered from any want of accommodation, and the Barracks are quite sufficient for our purposes.

I am, &c.,

CHAS. M'ARTHUR,
Captain Commanding L.V.R.C.

Colonel BROUGHTON, Hobart Town.

Head Quarters, Hobart Town, 21st March, 1861.

SIR,

I HAVE the honor to acknowledge the receipt of your Letter, New Zealand, 61—115, dated 4th February ult. I deferred answering it until I had again an opportunity of making my annual inspection at Launceston. I regret to find my Letter of 28th November, 1860, explanatory of the circumstances under which I had withheld a portion of the occupation of the building at Launceston from the Colonial Government, was not deemed satisfactory. In confirmation of my statement, I have now the honor of forwarding copies of two Letters I received from the Volunteer Corps at that station, corroborating what I had previously communicated, of their having had from me all the accommodation they required. Subsequently, on the arrival of the Mail from England on the 20th instant, I have received Despatch from the Secretary of State for War, deciding that the building was to be temporarily lent to the Colonial Government (copy enclosed), which has been communicated to them accordingly.

I have, &c.,

W. E. DELVES BROUGHTON,
Colonel Commanding the Troops in Tasmania.

*Lieut.-Colonel CAREY, D.A.G., Camp, Waitara,
New Zealand.*

Head Quarters, Hobart Town, 21st May, 1861.

SIR,

IN acknowledging the receipt of your Letter, dated War Office, 4th January, 1861, Hobart Town, 2—71, I beg to state I at once communicated the decision of the Honorable the Secretary at War to the Colonial Government (copy enclosed), and that the building in question has been subsequently handed over, on the terms specified, to the Colonial Government. I regret my proceedings had not met the entire approval of the Secretary of State for War, but if he will kindly refer to Circular 34, dated 1st January, 1857, 148—307, articles 21 and 23, he will, I am sure, acquit me of any desire beyond carrying out the instruction sent for my guidance. I need hardly say, if any discretionary power had been vested in Commanding Officers, it would have been more agreeable to me to have acted as now suggested; although, in the case of the building in question, I cannot but still feel the interests of the Imperial Government have not been so fully met as if the building had been retained for the purposes I proposed.

To show that the Colonial Government do not consider the arrangement entered into as a temporary occupation of the building, I enclose a copy of a tender called for, for alterations and repairs to the Store, implying a more permanent occupation than may have been contemplated; and this raises the question, to what extent the Imperial Government will sanction alterations to premises ceded upon similar terms, injuring to a certain extent the buildings in question. It will also be observed they have changed the denomination, so as to compromise the Imperial Government's claim to the property, upon which I should desire to be informed.

I have, &c.,

W. E. DELVES BROUGHTON,
Colonel Commanding the Troops in Tasmania.

The Under Secretary of State for War.

Government House, 29th August, 1861.

DEAR COLONEL,

It is necessary that I should ascertain from you whether you have given consent or sanction to Mr. Whyte's Motion, or any other of his acts, in reference to the production in Parliament, which he desires, of my Despatches respecting your removal from the Executive Council; and also to his other distinct Motion for the production of the Launceston Store Correspondence, meaning of course, Correspondence subsequently to that already printed last Session. Mr. Whyte's reply to the Colonial

Secretary was not so explicit or direct as to render this enquiry of you unnecessary. Lord Herbert has decided, as you are aware, the question of the Launceston Store, and the Duke of Newcastle is of opinion that your removal from the Executive Council was unavoidable, under the circumstances of your continued opposition. Now, I desire to avoid the public inconvenience of re-opening the controversy, which has been ended by higher authority than ours, since it is disadvantageous to the Public Service for the Civil Governor and the Colonel Commanding the Troops to have a disagreement longer than is necessary or unavoidable.

I shall be glad to receive, therefore, the information I seek from you; and also let me add that I hope for an assurance that you will co-operate with me by inducing your friends to let the matter rest as it is.

Believe me, your's truly,

H. E. F. YOUNG.

Colonel BROUGHTON, R.E., Commanding the Troops.

Commanding Royal Engineer's Office, 30th August, 1861.

DEAR SIR HENRY,

I HAD the honor to receive your Letter of yesterday's date as I was going to dinner, too late to detain your messenger for a reply. I was not in the House when Mr. Whyte answered the question of the Colonial Secretary, but from the report in the morning paper, Mr. Whyte was quite justified in stating that the notice for the production of the Correspondence asked for was placed upon the Paper without reference to me.

Mr. Whyte has taken up the question upon high Constitutional grounds, and I am not surprised at it. He contends that it was a sufficient warrant for asking for the Correspondence, without reference to me, that the fact of my having been tried, condemned, and dismissed, (unheard too,) was known to the Editor of the *Mercury* newspaper before it was communicated to myself; and infers that some Member of the Executive Council must have sadly forgotten his most solemn obligations. He contends also, that my removal from the Executive Council, without having been allowed any opportunity of defending myself, was illegal, unjust, and arbitrary,—and there can be no doubt upon these points.

I learn from Your Excellency's Letter, for the first time, that the Duke of Newcastle was of opinion that my removal from the Executive Council was unavoidable, under the circumstances "of my continued opposition." Opposition to what, may I ask? In the execution of the duties entrusted to me, I unfortunately found it necessary to defend the Imperial property (put under my especial charge.) Is this to be construed into a charge of continued opposition to the Local Government? If so, every Commanding Royal Engineer who does his duty is liable to be placed in the same position. But I utterly deny the charge, and can prove that, so far from opposing the Local Government, I have on no less than three occasions met their wishes; and in this case, only say that, if my opposition has been *continued*, it has been on account of the *continued* attempt of the Colonial Treasurer to possess himself of a building I deemed, and still deem, necessary to the Imperial interests to retain; and before the decision of the Secretary of State for War was made known or received, and to whom it had been referred.

I can only say I hope to see the Papers referred to laid upon the Table, that I may then know what has been alleged against me;—and I cannot but feel very grateful to any independent Member who, on Constitutional grounds, undertakes the task. I have no influence with Mr. Whyte, either to induce him to let the matter drop or to go on with it. I am convinced Mr. Whyte would have acted in the same manner for any one else.

It must be known to your Excellency that my removal from the Executive Council has been the subject of conversation for some months; and the sympathy I have met with has been my great consolation,—every one condemning those who so advised Your Excellency. I have hitherto so far sunk all personal feeling as not even to have referred the matter home, not wishing to embarrass Your Excellency; but I am afraid I must now, in justice to myself (the Papers being withheld), forward a statement of my case to His Grace the Duke of Newcastle, showing that the Executive Council that condemned me was assembled on a day on which it was not usual for the Council to meet,—that no notice was ever sent to me,—that no intimation that any charge was to be submitted against me was ever supplied to me,—that I was consequently never called upon, or allowed any explanation,—that I was not suspended, but dismissed, in excess of the powers entrusted to Governors: Her Majesty alone reserving this power in her own hands, after conviction,—that two of the persons forming the Executive Council of that day were not Ministers,—that, in fact, only one Minister was present, and he the one with whom I unfortunately had to deal in the transactions out of which it is sought to frame an accusation against me.

In conclusion, I have to point out to Your Excellency the extreme difficulty of the position

I find myself placed in ; alone to defend myself against a Government who advised Your Excellency to make secret charges against me, and that, being deprived of Your Excellency's confidence, I am also deprived of that support which I had a right to calculate upon in the execution of my duties in an emergency.

I have the honor to be,
Dear Sir Henry,
Yours truly,

W. E. DELVES BROUGHTON, *Colonel.*

His Excellency SIR H. E. F. YOUNG,
Government House.

Government House, 30th August, 1861.

DEAR COLONEL,

I HAVE to acknowledge the receipt of your Letter, and regret it contains no answer to my question, but several points on which I entirely differ from you,—it is not, however, my intention to go into them. I shall confine myself to the last paragraph of your Letter, and assure you that at all times, or in any emergency, I shall be ready and happy to give you advice and support in the exercise of your duties.

There have been no secret charges by my Government against you; the grounds of your removal from the Executive Council are set forth in the Minute forwarded to you.

Your's truly,

H. E. F. YOUNG.

Colonel BROUGHTON, R.E., Commanding.