

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government  
John Franklin

Excerpt

[More information](#)

## S O M E P A S S A G E S

IN

THE HISTORY OF

VAN DIEMEN'S LAND.

## No. 150. DESPATCH.

SIR,

Downing-street, 13th September, 1842.

I HAVE received the series of Despatches, enumerated in the margin, reporting the various occurrences which led to the suspension from office of Mr. Montagu, the Colonial Secretary of Van Diemen's Land, and to the arrival of that gentleman in this country.

|         |           |       |  |
|---------|-----------|-------|--|
| No. 2.  | 27th Jan. | 1842. |  |
| No. 3.  | 8th Feb.  | 1842. |  |
| No. 4.  | 9th Feb.  | 1842. |  |
| No. 7.  | 18th Feb. | 1842. |  |
| No. 9.  | 18th Feb. | 1842. |  |
| No. 14. | 22nd Feb. | 1842. |  |
| No. 18. | 26th Feb. | 1842. |  |
| No. 19. | 1st March | 1842. |  |
| No. 33. | 5th March | 1842. |  |

This voluminous mass of papers has occupied much of my time, and has engaged my deliberate attention. In proceeding to announce to you the decision at which I have arrived, I shall not attempt to enter with any minuteness into the various details and circumstances of the transactions to which they refer. Un-

B

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government  
John Franklin

Excerpt

[More information](#)

fortunately the merits of the question are already so much darkened by the redundancy of the discussions in which it has been involved, that any addition to their length or number would rather increase than dissipate the obscurity. I shall therefore confine myself to a brief recapitulation of the charges preferred against Mr. Montagu, and to a statement of the conclusions which I have adopted respecting each of them.

1st. You have represented in substance (I purposely abstain from the quotation of the pages over which the complaint is spread), that Mr. Montagu had acquired an influence and authority in the administration of the affairs of your Government far exceeding that which properly belonged to his office; that this influence was maintained by means which, if not culpable, were at least objectionable, and was used in such a manner as to render his continued employment incompatible with the freedom and independence of action which the Lieutenant-Governor ought to maintain.

I am not disposed to controvert, but rather to adopt your opinion, that various circumstances had concurred to place in the hands of Mr. Montagu a degree of personal authority, which if not balanced by great energy and decision in his immediate superior, would probably tend to invert the relations which ought to subsist between them. But I find no reason to impute to Mr. Montagu the blame of having acquired this power by any unworthy means or dishonest arts; or of having employed it for any sinister purpose, or in an unbecoming spirit.

2nd. It is represented that when you overruled Mr. Montagu's advice in the case of Dr. Coverdale, Mr. Montagu manifested his discontent by words and by a course of conduct unbefitting his position and yours, disrespectfully intimating that the zeal which he had till then exhibited in the performance of his duty would be relaxed; and carrying that intimation into effect under such circumstances as to justify the belief that it was his design to embarrass you, by suddenly exposing you to what he esteemed insuperable difficulties.

I am not able entirely to acquit Mr. Montagu of having, in reference to Dr. Coverdale's case, employed some language which you not unnaturally regarded as a menace, or of having ceased to render you his efficient services in the same cordial and zealous spirit which, till then, he had been accustomed to evince towards you. It may be difficult to condemn a public servant

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government  
John Franklin

Excerpt

[More information](#)

## 3

who faithfully and ably performs whatever lies within the strict range of his duty, for not advancing further and yielding the aid which public spirit would prompt, or which a stronger personal regard for his superior would suggest. But the abrupt abandonment of a cordial co-operation for a service confined within the exact limits of positive duty may be the subject of a legitimate reproach, and from that reproach Mr. Montagu is not, I think, altogether to be exempted.

3rd. Mr. Montagu is charged with having made an improper use, in the course of these proceedings, of the name of a lady the most intimately allied to yourself.

I pass as rapidly as possible from such a topic, confining myself to the single remark, that the imputation does not appear to me to be well-founded.

4th. The next ground of accusation is Mr. Montagu's neglect to take proper notice of articles insulting to yourself and your family, which appeared in a newspaper established under his auspices and for which he had obtained your patronage, and his having by his conduct given countenance to the opinion that he had some personal connexion with these injurious paragraphs.

After fully weighing every part of this case, I entirely acquit Mr. Montagu of all connexion with the offensive articles in question, or with the authors of them, or of having done anything to promote such publications, or having omitted to do anything which, from his position in reference to yourself and your Government, might reasonably have been expected of him to prevent and discourage them.

5th. You complain of the language addressed by Mr. Montagu to your private secretary and to yourself, on the subject of these newspaper paragraphs, as having been wanting in the respect which it was his duty to observe towards you, and as having, in one instance, conveyed an insulting imputation on your credibility.

On this part of the case, also, I think that Mr. Montagu is entitled to be entirely acquitted of blame. He did indeed make use of an inadvertent expression in one of his letters to you, but the frankness and earnestness with which the error was acknowledged, and with which your forgiveness was solicited, seem to me to have been an ample atonement for an unfortunate selection of words; for such, and not any intentional insult, was the real character of the offence.

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government

John Franklin

Excerpt

[More information](#)

4

6th. It is imputed to Mr. Montagu, that he made an improper appeal against your suspension of him to the public at large, through the local newspapers, at the very moment when he was contemplating a return to this country to prefer his appeal to myself.

I think that he has fully exculpated himself from this accusation.

Finally, you represent that Mr. Montagu authorized the expenditure of large sums of public money in erecting the tower and spire of a church, not merely without your authority, but with a studious intention of keeping you in the dark on the subject.

Here, again, I think that Mr. Montagu is entitled to be completely absolved of the fault imputed to him. He had no notice of the charge before leaving Van Diemen's Land, but he has since repelled it to my entire satisfaction.

The result of my consideration of the whole subject is, as you will see, to relieve Mr. Montagu from every censure which impugns the integrity or the propriety of his conduct, while I am compelled to admit that the circumstances of the case are such as to render his restoration to his office in Van Diemen's Land highly inexpedient. It was therefore gratifying to me to have it in my power to offer him an equivalent, which, while it would mark my undiminished confidence in his disposition and ability to render effective public service, would direct his talents to a field of labour in which they could be exerted without the inconvenience which must attend his resumption of his duties as Colonial Secretary at Van Diemen's Land.

I offered for his acceptance the vacant office of Colonial Secretary at the Cape of Good Hope, and he has cheerfully accepted it. It cannot be too distinctly understood, that Mr. Montagu retires from the situation he has so long filled with his public and personal character unimpaired, and with his hold on the respect and confidence of Her Majesty's Government undiminished.

Mr. Bicheno has been appointed to succeed Mr. Montagu at Van Diemen's Land, and his arrival may be expected shortly after your receipt of this despatch.

I am not aware it could answer any useful purpose to enter more fully into the merits of this protracted controversy. But, reluctant as I am to employ a single expression which is likely

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government  
John Franklin

Excerpt

[More information](#)

to be unwelcome to you, I am compelled to add that your proceedings in this case of Mr. Montagu do not appear to me to have been well-judged, and that your suspension of him from office is not, in my opinion, sufficiently vindicated.

I have the honour to be, Sir,

Your most obedient humble servant,

STANLEY.

To Sir John Franklin, &c.

---

THE above document is my text for the observations contained in the following pages, and my apology for giving them circulation. The Despatch in question, addressed by the Secretary of State for the Colonies to myself, was made by his lordship to answer a double purpose. It not only served for the expression of his judgment to myself, but was officially transmitted to the late Colonial Secretary of Van Diemen's Land as the official answer to that gentleman's defence; and he received no other. Hence its circulation and publication in Van Diemen's Land whilst I was still administering the functions of government, and its subsequent re-appearance in a London newspaper at a period preceding by a short interval my return to England.

A few months after the arrival and circulation in Van Diemen's Land of this Despatch, a key to it and commentary was sent by Mr. Montagu to the colony in the form of a libellous manuscript, reflecting upon my character and honour and on that of Lady Franklin, and purporting to be minutes of conversations which Mr. Montagu had with Lord Stanley *before the Despatch was written*; or the substance of statements made verbally to his lordship by Mr. Montagu, in the interviews with which he was honoured by his lordship in Downing-street.

The manuscript was extensively circulated in this country and in Van Diemen's Land, and the fact of such conversations having taken place has not been repudiated by Lord Stanley, nor has Mr. Montagu's conduct been disapproved of.

Under these circumstances, the reserve which my position imposed upon me whilst I still administered the Government of the colony, and which afterwards both duty and policy forbade me to violate, so long as I had any hope of redress or counter-

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government  
John Franklin

Excerpt

[More information](#)

## 6

action from Lord Stanley, seems to me no longer possible. It is not without infinite pain and reluctance that I adopt the only alternative which remains to me.

My administration of the Government of Van Diemen's Land extended to a period of somewhat more than six years and a half, and the services of Mr. Montagu under it as Colonial Secretary occupied somewhat less than three years of that period. It is to the first two years, before he went on leave of absence to England, that the observations I am first about to make, apply.

---

On arriving in the colony, fully aware of the existence of strong party feeling which distracted it, and to which repeated allusions were made in the addresses with which I was presented; aware too that much was expected from me in counteraction of the policy of the late administration, and that it was my duty to be on my guard against the errors into which any hasty judgment on this head might easily lead a man of my inexperience in colonial government, I determined not to disturb the policy of my predecessor without necessity, yet to lose no time in learning and judging for myself.

The administration of Sir George Arthur had met with His Majesty's approbation. Though the Government of Van Diemen's Land had not been to him a bed of roses, yet every appeal against his acts and measures in Downing-street had signally failed. It was the wisdom of the Colonial Office in that day, so long as a governor was retained in office to support him; and that Sir George Arthur's policy had claims to recommend itself to my imitation could scarcely be doubted, not only from this test of its merit, but also from the unusual length of time he had been retained in the Government. This protracted administration, extending to double the usual period, had come in aid of other causes to give to my predecessor a degree of influence and power unknown to any other governor under the crown\*.

I would not be understood to cast the slightest imputation on the exercise, by my distinguished predecessor, of his peculiar privileges, when I assert that the power which the head of the Government then possessed, to grant crown lands, and to assign unlimited supplies of convict labour, was sufficient to enable

\* Except perhaps the similarly-situated Governor of New South Wales.

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government

John Franklin

Excerpt

[More information](#)

him to make or to mar the fortunes of any individual under his Government.

This unbounded patronage did not descend to me. I succeeded however to the inheritance of many a troublesome case, consequent upon the cessation of the free-grant system, and many an importunate appeal for the reconsideration of former judgments; and in these, the opinions of my predecessor and the advice of those of his officers who were best acquainted with the subject had necessarily to be consulted.

A new Governor on entering into office does not, like a new prime minister, form his own cabinet; he works with the instruments he finds around him, and who for a time have a great advantage over him from their superior local knowledge and experience.

It is not to be wondered at that I found the chief places of influence and emolument in Van Diemen's Land filled by the relatives and friends of the late Lieutenant-Governor. They formed a compact and strong body of connexions and adherents bound to their late chief by the ties of obligation and gratitude, and by that *esprit de corps* which ever exists where opposition is active and in any degree prevailing.

The office of Chief Police Magistrate, which in a penal colony and under the then existing system of convict management was one of great importance, was occupied by Mr. Forster; and the still more influential office of Colonial Secretary, through whom all correspondence between the Governor and the departments of Government, or between him and the colonists, is carried on, was filled by Mr. Montagu. These gentlemen had married two sisters, nieces of Sir George Arthur, and owed entirely to him their occupation of offices which are almost invariably in the present day filled from home. They were by virtue of their offices members of the Legislative and Executive Councils, and in both, but especially in the Executive Council, which consists of only six individuals, their influence was very generally felt.

These gentlemen had been particularly recommended to me, together with several other members of his government, by my predecessor. I found them possessed of much talent for business and of great local knowledge. Mr. Montagu, of whom I have chiefly now to speak, was thoroughly acquainted with the affairs and resources of the colony, with the interests and private affairs of individuals, and with the technical machinery of government.

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government

John Franklin

Excerpt

[More information](#)

He had, during a residence of twelve years in the colony, risen through the successive offices of Private Secretary and Clerk of the Councils to those of Treasurer and Colonial Secretary, the last two in consequence of the suspension by my predecessor of the officers holding those appointments\*.

Mr. Montagu had also another source of influence. This was his money-agencies in connexion with the Derwent Bank, a most influential establishment, which at a later period than that of which I am speaking, and when few estates were not more or less encumbered, held nearly three-fourths of the mortgages in the colony. Though his official situation in the colony prevented Mr. Montagu from being a Director of the Bank, yet he represented in it, for himself and others, stock to a very large amount, and it was well understood in the colony that the Manager of the Bank, Mr. Swanston, conferred with him on every important occasion, and that the Bank and the Colonial Secretary reflected and augmented each other's influence. The people of Van Diemen's Land are well aware that for years the Derwent Bank has held half the colony in its thralldom.

Having mentioned two leading members of that family compact or party by which I found myself surrounded, and who, from their official situations, were brought into daily and close communication with me, it is not necessary to go at present into further details. The existence of such a party was known to the whole colony; it was recognized by name, in conversation, and in the periodical press; nor was its designation altogether a stranger to the newspapers of England.

I could not but be aware that a party so strongly bound by ties of relationship and of gratitude to my predecessor, and who were powerful instruments in carrying out his measures, might, should a change of policy become necessary, or should any views of my own militate strongly against its prejudices or partialities, become extremely difficult to manage.

At an early period of my government it was not difficult for me to perceive that I was more effectively supported by Mr. Montagu in any measure which carried out the views of the late Lieut.-Governor, than in the efforts I made to conciliate

\* This fact is stated to show to those who after reading Lord Stanley's Despatch might doubt the correctness of the fact, that the suspension by the Governor even of a Colonial Secretary is not an event of unexampled occurrence.



Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government

John Franklin

Excerpt

[More information](#)

## 9

parties hitherto adverse or obnoxious to the government; but for these indications I made large allowance, in consideration of his long service under Sir George Arthur, whose policy and feelings he had been trained to share, and they were not of a nature to lead to any misunderstanding between us.

Mr. Montagu was zealous in business, extremely active and assiduous, and above all he strove to render himself necessary to me, an object which was much favoured by some circumstances connected with my then private secretary, and which made it exceedingly difficult for me to co-operate with equal cordiality with both parties.

I have ever felt myself bound, to the utmost of my power, to support the officers who served under me, and Mr. Montagu evinced his confidence in this disposition, when, on occasion of his being attacked by a newspaper on some point on which he felt very sensitive, he requested and received my contradictory testimony for transmission to the Secretary of State. And of Mr. Forster I may say that he has repeatedly and candidly acknowledged to me, that whatever popularity he possessed in the colony began with my administration and continued to increase with it.

It may be gathered from all these circumstances, that I appeared, especially in the eyes of those who were opposed to the late administration, to identify myself with it, an impression which was I believe willingly fostered by Mr. Montagu and Mr. Forster, since it added to their personal influence, whilst it enabled them to attribute to some sinister secret influence all those cases in which the assertion of my will was in known opposition to their wishes. I am now throwing the light of after-knowledge and experience on a period in which Mr. Montagu possessed my almost unlimited confidence.

In the first session of the Legislative Council, I threw the doors of the council-room open to the public, having obtained in England the sanction of the Secretary of State to a measure which I felt required due deliberation, as it would almost inevitably involve the adoption of a similar measure in the other Australian colonies; and on the same occasion I took both pride and pleasure in bringing forward, in my Address to the Council, the honourable testimony borne to Sir G. Arthur in reply to a despatch which he had addressed to Lord Glenelg on his recall, and which was contained in a despatch addressed to myself.

The bringing publicly forward this eulogium of my prede-

Cambridge University Press

978-1-108-04975-7 - Narrative of Some Passages in the History of Van Diemen's Land: During the Last Three Years of Sir John Franklin's Administration of its Government  
John Franklin

Excerpt

[More information](#)

cessor, instead of quietly depositing it in the archives of my office, was condemned by some as a gratuitous intrusion of a topic not alike acceptable to all, but by, as I conceive, a more right-minded portion of the community it was regarded with approbation. Sir G. Arthur's relatives thanked me for the tribute paid to their late Governor, and that officer himself afterwards conveyed to me, in terms highly flattering to me and honourable to himself, his acknowledgements, not only for this, but for the general consideration evinced towards him in my early conduct of affairs.

Before the next session of the Legislative Council, I had an opportunity of infusing into it a portion of the independent and liberal sentiments of the community, by nominating to a vacant seat a gentleman of great wealth and of superior talents, now deceased, but whose politics were conscientiously opposed to the late Lieutenant-Governor; and in my subsequent appointments it was equally my object to represent as much as possible the interests and sentiments of all the respectable classes of society, and to counteract the too prevailing influence of one family and its partisans.

To every succeeding member of council of whom I had the nomination, I distinctly made known the perfectly independent tenure by which he held his seat; and all will bear witness, that with whatever tenacity I may have urged some measures of my government which I deemed necessary for the public welfare, I have ever respected that independence, and that they have not been the less honoured by me in social life, because of an occasional opposition which tended to frustrate my purposes. By these and similar means, party-spirit became less virulent, and a beneficial change was wrought in the aspect of society.

After a period of about two years, Mr. Montagu obtained from me leave of absence to visit England with his family. It was on some accounts a very inconvenient period for making changes in his department, and I would willingly have induced him to defer his departure; but Mr. Montagu gave me family reasons of such urgency, that they more than balanced in his representation the retention of his office, if the alternative were required.

In granting Mr. Montagu's request, I saw that his presence in England might be of infinite advantage to the colony if he had legitimate access to the Colonial Office, and had means of making available his knowledge and experience in colonial affairs, and especially on the subjects of emigration and convict discipline. The latter was in a state of transition; the old system