

(No. 33.)



1863.

[SECOND SESSION.]

T A S M A N I A.

CAMPBELL TOWN GRAMMAR SCHOOL.

Return to an Order of the House. (Mr. Allison, 25 June.)

Laid upon the Table by Mr. Colonial Treasurer, and ordered by the House to be printed, 14 July, 1863.



Survey Office, 28th March, 1863.

SIR,

I HAVE the honor of returning the precis containing the history of the proposed alienation of 54 acres of Crown Land in Campbell Town to the Collegiate Institution of that place in 1853, on which subject you have directed me to furnish a Report.

As the Land to be given was to be subject to all the conditions contained in the Grants made to the High and Hutchins Schools,* I found it necessary to peruse the entire correspondence connected with the Grants to those establishments, that I might be properly informed on the subject.

The conditions were shortly these:—

No alienation of the Land, or any part thereof, to take place.

No portion of the Land to be granted to be devoted to any purpose unconnected with a Scholastic Establishment.

Proper School Buildings to be commenced forthwith.

The establishment to be a School, and nothing but a School, for ever.

No money to be borrowed on the security of the Land.

Such were the principal conditions, any infraction of which was to be followed by immediate and absolute forfeiture of the Land, its Buildings, and every thing it contained.

In framing these conditions, the language used is very exact and unambiguous; and in the voluminous correspondence relating to those Grants they are frequently introduced, and are referred to in a manner which shows the fixed determination of the Government to have been that there should be no evasion whatever of any one of them; in fact, so firm and decided was Sir William Denison throughout, that on one occasion, where he conceived the High School Trustees were evading the original terms of the compact, he summarily stopped the works they were engaged on.†

In the case of the Campbell Town Land a concession was made to the Trustees empowering them, in consequence of the high price of labour, not to commence building for five years, that is, not till 1858. They indeed tried hard for ten years, but Sir William Denison was firm, and the terms modified by this single concession were agreed to.

However, they did not commence building in the five years allowed them, nor have they even now that about ten have passed, thus violating one of the primary conditions of the Grant, whereby absolute forfeiture of it has necessarily ensued, whereby the functions and official existence of the Trustees of the Establishment have ceased.

It were vain to enquire by what process the semblance of vitality has been imparted to a body absolutely defunct. It will be sufficient to say, that, having by their own neglect allowed the foundation on which their existence rested to disappear from under them, we cannot now acknowledge them without committing the absurdity of treating seriously with a phantom.

I should pursue the subject no further had I not learned from the precis that official sanction has been recently given to an exchange of the original Grant, Reserve, or whatever it may be termed, for a plot of about fourteen acres belonging to the Church.

It is difficult to understand how such sanction could have been given to a transaction between an existing

* Copy of Sir William Denison's terms, as written out by himself, herewith.—J. E. C.

† The following is a copy of his order:—"Let special orders be given to Mr. Kay not to permit another post or portion of the fence of the High School Land to be put up in the Domain.
25th June, 1848.

W. DENISON."

body and a non-entity,—to an exchange of property, in fact, where those who may have personated the original Trustees of the Institution had nothing whatever to transfer,—except that by believing that the Executive acted under some misapprehension of facts.

Such an exchange (if it be possible to conceive such a thing, where there are not two parties to effect it) cannot possibly take place, the chiefest condition of the Grant being *non-alienation*; so if they who claim to be the representatives of the extinct Collegiate Institution had anything whatever to transfer, the very act of doing so would destroy all claim to it.

I remain,

Sir,

Your very obedient Servant,

J. E. CALDER.

The Honourable the Colonial Secretary.

(Copy.)

MEMORANDUM.

THE area enclosed by red lines is full 20 acres. When I promised the gentlemen comprising the Committee (High School) to give them a site for the School, I did so with the intention of appropriating to the purpose a sufficient area for the buildings of the School, and for a play-ground for the boys; for which purpose about $1\frac{1}{2}$ or 2 acres would be ample. I have no objection to grant them this amount of Land in the immediate vicinity of the Glebe with an opening into Park-street, or if they prefer it, near the gate into Liverpool-street. The Committee must understand, however, the terms on which I grant this Land:—

1st. That it is placed in the hands of Trustees, and is to be appropriated for the purpose of the School for ever.

2nd. That no buildings are to be erected upon it but such as are required for the School.

3rd. That it is not to be sold, or let, or alienated in any way. That no money is to be borrowed on the security of the Land. These are the terms on which the ground is granted to the Hutchins School.

(Signed) W. D.

22nd September, 1847.

Colonial Secretary's Office, 15th May, 1863.

SIR,

WITH reference to the Petition of yourself and others on the subject of the transfer to the Church of England of the Collegiate Reserve at Campbell Town, I have to inform you, and through you the other Petitioners, that it has been laid before the Government, and that the matter is now under consideration.

When a decision shall have been arrived at, a further communication will be addressed to you.

I have, &c.,

B. T. SOLLY.

CLAUDIUS THOMSON, *Esq.*, *Campbell Town.*

Campbell Town, 25th May, 1863.

SIR,

WITH reference to a Petition from certain Inhabitants of Campbell Town and its vicinity, sent in some time ago, praying that a piece of land on the Township of Campbell Town, commonly called the "Race-course," might not be appropriated, as we understood was then desired, I am most respectfully to solicit that the Petitioners may be informed of the grounds on which the arrangement sought to be effected has been commended for the approval of the Executive.

I have the honor to be,

Sir,

Your most obedient Servant,

J. MACKERSEY.

The Honourable the Colonial Secretary, Hobart Town.

Colonial Secretary's Office, 1st June, 1863.

SIR, IN accordance with the request contained in your letter of the 25th ult., I herewith forward to you copies of such papers, and a tracing, as will enable you to perceive the grounds upon which the transfer of the land alluded to was sanctioned.

I have, &c.,
B. T. SOLLY.

The Rev. J. MACKERSEY, Campbell Town.

Campbell Town, 17th November, 1862.

SIR, NINE years ago the Lieutenant-Governor Sir William Denison consented to a grant of Land within the Township of Campbell Town for the purposes of a Collegiate Institution. Subsequently I applied to the Government to know if the land would be available for a Grammar School, and was informed, it mattered not to the Government whether the object was a College or a Grammar School. A Grammar School was accordingly established; and as the Assembly Rooms were unoccupied, and were admirably adapted to the purpose, they were rented for ten years, thus saving a very large outlay, which would have been required if a building had been erected. There is, however, one very serious drawback to the Assembly Rooms as a school—there is no play-ground. The Trustees of the Grammar School having recently purchased the property, and executed a Trust Deed establishing the school in perpetuity, are very anxious to secure this most essential requisite to the efficiency and success of the school. The land consented to be appropriated to the school is at too great a distance to be used as a play-ground; but there is an allotment of land of about 14 acres almost opposite and quite close to the school, which has been appropriated for the last 25 years to the Church, but never granted. The Trustees of the Grammar School with the consent of the Trustees under the Church Act desire that an exchange may be made; viz., that the allotment hitherto appropriated to the Church may be granted to the Grammar School, and that that hitherto appropriated to the Grammar School may be granted to the Church.

I enclose the letter of the Colonial Secretary, a letter of my own, and the tracing referred to therein.

I have the honour to be,
Sir,

Your most obedient Servant,

WM. VALENTINE, *Secretary to the Campbell Town Grammar School.*

The Honourable the Colonial Treasurer.

WE, the Trustees for St. Luke's Church, Campbell Town, elected in accordance with the provisions of the Church Act, consent to the above exchange, believing it to be for the good of both Church and School.

P. H. GELL.
T. H. POWER.

The following are the names of the Trustees of the Grammar School:—

The Honourable R. Q. Kermodé.
Rev. Dr. Turnbull.
Thomas Mason, Esquire.
George Taylor, Esquire.
Charles Hill Harrison, Esquire.
James Gibson, Esquire.
William Valentine.

In 1853, Sir William Denison approved of a reserve for a Collegiate Institution in the Suburbs of Campbell Town, which was afterwards extended to any institution of a scholastic character. It has never been made available for the purpose. It is now asked that an exchange should be made of a portion of the Land on which the Church is built for this reserve for school purposes, the Assembly Rooms, opposite the Church, having been purchased for a Grammar School.

Will the Honourable the Attorney-General be so good as to state his opinion as to the legality of such exchange?

F. M. INNES.

2nd December, 1862.

The earlier papers are in the Colonial Secretary's Office, and can be had if required.

I THINK this is a question rather for the Trustees of the two pieces of land than for the Government. The Government cannot confer any power upon them which they do not already enjoy.

W. L. DOBSON.

10th December, 1862.

THE Governor in Council approves.

The Hon the Colonial Secretary.

E. C. NOWELL.

22 Dec. 1862.

Colonial Secretary's Office, 23rd December, 1862.

SIR,

I beg to acknowledge the receipt of your letter of the 17th ultimo, suggesting, for the benefit of the Campbell Town Grammar School, that an exchange should be effected between the Trustees of the School and those of St. Luke's Church of the allotments in the Township belonging to each respectively; and, as it appears to meet with the concurrence of the Trustees on both sides, the Governor in Council has been pleased to approve of the proposed exchange.

I have, &c.

F. M. INNES.

W. VALENTINE, *Esq., Campbell Town.*

Colonial Secretary's Office, 16th February, 1863.

SIR,

IN reply to your Memo. upon Mr. Morrison's letter, which I beg to return herewith, I am directed to inform you that Mr. Morrison is labouring under some misapprehension respecting the reserves in Campbell Town. The facts are, that an allotment of land was granted some years ago for a Grammar School, and that another lot of about 14 acres was appropriated to the Church. It appears that this latter would suit the purposes of the School Trust better than the lot originally granted, and, with the consent of the Church authorities, the Government has approved of an exchange of the respective allotments.

No other transaction has occurred with reference to Church or School Reserves at Campbell Town.

I have, &c.,

B. T. SOLLY.

W. R. ALLISON, *Esq., M.H.A.*

Richmond Park, 17th February, 1863.

SIR,

I HAVE the honor to bring under your notice an injustice to the people of Campbell Town, and claim for them your protection, as they request me to do.

The Petition so respectably signed by the inhabitants, and Mr. Morrison's letter, will, I think, disclose the case: I enclose them. Still it is right I also should add a word in explanation. The Rooms originally built for Assembly Rooms *failed* for that purpose. Dr. Boyd rented them for a School, and called it the Grammar School. It was no Public Institution, merely a Private Boarding School.

Sir W. Denison, some nine years since, set apart, I believe, 80 acres of the best land in the Township to establish a Grammar School; but it was intended the School should be *built upon*, and chiefly supported by, *that* land. *No* School was ever built, and I maintain that land falls back to the Crown. There was a mortgage on the Assembly Rooms (Dr. Boyd having long left for Queensland), which fell into default, and, if I am correctly informed, was sold under that default. The parties purchasing, I am told, say they *intend it for a Grammar School*, and intend to *claim* this 80 acres of the most valuable and useful land in Campbell Town as an addition and makeweight to their purchase of the premises, which no doubt they bought quite low enough without that.

It appears to me an unjust act, which I believe your Government will not sanction. After such a lapse of time I think the land should revert to the Crown for the benefit of the people.

I have the honor to be,

Sir,

Your obedient Servant,

W. RACE ALLISON.

The Honorable JAMES WHYTE.

Campbell Town, 13th February, 1863.

MY DEAR SIR,

I HAVE your Telegram of to-day, 1.40 P.M. In answer I enclose a numerously signed petition showing that there is more in the matter than the mere exchange of land between the Church and Grammar School. The land in question has been used for many years as Race-course, Cricket-ground, and pasturage land. We are aware that the land in question is marked on the chart as reserved for Collegiate purposes, on the provision that an Institution was to BE BUILT thereon; nothing has been done, consequently the land ought to lapse: however, within this week or two, certain parties have BOUGHT the old *Assembly Hotel*, turned it into a School, and fancy by so doing that they can lay *claim* to the Collegiate *grant*, and *swap* away one piece of land for another, to suit their own purposes: the *snake* is the head of this affair, no doubt acting under the directions of his masters—Kermode, Chapman, & Co. If Government should resume the land in question, and put it up for sale in allotments, it would be so much in addition to the Revenue, and give a chance to those interested to purchase. The present sneaking, underhand attempt, if carried out, will ruin the Township. Do look into the matter, and most strenuously oppose any transfer whatever.

I am,

Yours obediently,

WM. MORRISON.

WM. RACE ALLISON, *Esq.*, *M.H.A.*

I cannot find time at present to get any more names to the Petition, but, if necessary, I can get many, many more.

WM. M.

Campbell Town, February 10th, 1863.

SIR,

WE, the undersigned inhabitants of Campbell Town, respectfully request that you will be kind enough to take action in the matter of the Racecourse in this Township. We find that the last Government have made over upwards of 80 acres of the town land which we use as Racecourse, Cricket Ground, and Pasturage Land, to the Church of England, in lieu of 29 acres of land adjoining the Church which is marked on the chart, "Reserved for Burial Ground." Besides these 29 acres the Church has already 40 acres of Glebe land; and if they get the 80 acres in question, it will give them 120 acres *in toto*. The land alluded to is marked on the chart "Reserve for Collegiate Institution," on the understanding that a Collegiate School was to be erected thereon, which has not been done. It is not so much the loss of the Racecourse we object to, but the poorer inhabitants would be the sufferers, as they would be deprived of the only available land for grazing their cattle on.

Trusting that you will not forsake us in our hour of need,

We are, Sir,

Yours respectfully,

Arthur Allison.
Thomas B. Clarke.
E. Archer Harrison.
Wm. Millar Hill.
Joseph Brickhill.
Rowland Davies.
Daniel Saunders.
Hubert Kean.
Jabez Gurr.
C. J. Bayley.
D. Whelan.
Joseph H. Chiswell.
James Scissors.
Benjamin Pears.
Andrew Gray.
John Williams.
James Gray.
Laurence Bergan.
B. Shea.
John Bergan.

James Bergan.
William Pears.
James Thompson.
Henry Hedges.
John Stevenson.
Edward Currie.
Robert Brown.
James E. Bonney.
Richard W. Kean.
John Williams.
C. E. Kean.
William Wright.
William Brown.
Thomas Hill.
Robert Washington.
Charles Stewart.
John Tilley.
Michael Philips.
John Sturges.
William Gilders.

Charles Fox.
A. F. Hogg.
P. Kearney.
R. Palliser.
Thomas Coombe.
John Smith.
Samuel Barrett.
William Morrison.
E. N. Allison.
Patrick Markey, senior.
John Markey.
Patrick Markey, junior.
Michael Markey.
Thomas Branagan.
James Deakin.
William Holt.
John Jones.
W. H. Mence.
John Taylor.

WM. RACE ALLISON, *Esquire*, *M.H.A.*

Colonial Secretary's Office, 19th February, 1863.

SIR,

I AM directed to acknowledge the receipt of your letter of the 17th instant, forwarding a Petition from certain inhabitants of Campbell Town, respecting an alleged injustice done to them by the sanction of the Government having been given to an exchange of certain Reserves of Land granted respectively for Educational and Church purposes; and, in reply, to inform you that the matter will be duly enquired into.

I have, &c.,

B. T. SOLLY.

W. RACE ALLISON, *Esq.*, *M.H.A.*, *Richmond Park*.

PRECIS.

CAMPBELL TOWN GRAMMAR SCHOOL RESERVE.

In 1853, certain subscribers towards a proposed Collegiate Institution in Campbell Town applied to the Governor (Sir W. Denison) for the grant of land forming part of the Township, and containing about 120 acres. The object in seeking so large an allotment is thus stated by Mr. Valentine in his letter of the 23rd September, 1853:—

“I would beg to observe that, unless the whole of the land applied for be granted, the Institution will be unable to secure that seclusion which is so essential to its moral welfare, and which the situation and nature of the land, as a whole, is so calculated to afford.”

This application was modified, and a reduced area of 54 acres was “granted to Trustees for the purposes of a Collegiate Institution, on conditions similar to those under which the Hutchins and High School lands are held.”

In September, 1854, application was made that the above land might be held and used by the Trustees of the Church of England Grammar School about to be established there, the high price of labour and other causes preventing the original design being carried out.

The Governor had no objection, but declined to hand over the land to the Trustees until they were prepared to commence building. He “will not object, however, to its being reserved for the purpose of a Scholastic Establishment, for a reasonable period, should the Trustees desire it.”

The Trustees replied: that a mere “reservation” would not justify them in expending the large amount required to erect such an Establishment. They would, however, be ready to engage, if the land were made over to them at once, that a proper building should be erected upon it within any reasonable number of years which the Government might think it fair to impose as a stipulation annexed to the grant.

On being referred to, the Trustees name 10 years as a reasonable number; but the Governor did not feel justified in directing the reservation of the land alluded to for so long a period as 10 years, but he was willing to extend the time within which the building must be *commenced* to 5 years. At this time the Trustees had contracted for the use of the Campbell Town Assembly Room, and secured the services of Dr. Boyd as Master.

No further correspondence appears to have taken place till November, 1862, when Mr. Valentine, on behalf of the Trustees, applies for permission to make an exchange with the Trustees for the Church of England Reserve, (of about 14 acres*), as being more suitable for the wants of a Grammar School than the Reserve originally intended for them, inasmuch as it is in close proximity to the Assembly Rooms, which the Trustees have purchased, executing a Trust Deed establishing the School in perpetuity, and much required as a play-ground for the School.

The Church Trustees notify their assent to the exchange of allotments, and the Governor in Council approves.

Colonial Secretary's Office, 24th February, 1863.

SIR,

I AM directed to forward to you the accompanying tracing, and to request that you will point out where the School Trustees propose that the 14 acres of the Church Reserve should be marked off, and return it at your earliest convenience.

I have, &c.

B. T. SOLLY

W. VALENTINE, *Esq.*

Campbell Town, 26th February, 1863.

SIR,

IN reply to your request, dated 24th instant, that I will point out on the enclosed tracing “where the School Trustees propose that the fourteen acres of the Church Reserve should be marked off,” I have the honour to inform you in the first place, that the tracing sent does not correspond with the tracing which I have in my possession, and which was enclosed in a letter from the Colonial Secretary. The area E. F. G. H., marked off in the enclosed tracing, was that which was granted on my first application; but, on further representations, Sir William Denison enlarged the grant, so as to comprise the whole of the land bounded by Mason-street on the north, by the Main Road on the east, by the southern boundary of the Township on the south, and by the west boundary on the west as represented on my tracing. This enlarged area is the subject matter of the Colonial Secretary's letter of 31st October, 1853. The introduction of the initial letters was an error.

* So stated by Mr. Valentine in his letter of 17 November, 1862, but charted as 29a. 3r.

In the second place, it is not proposed to exchange "fourteen acres" of this land for the Church Reserve. The Governor's consent in Council, as conveyed in the Colonial Secretary's letter of 23rd December, 1862, was for the whole,—less would not have been a fair equivalent for the centrally situated and really good land of the Church; that belonging to the Grammar School being of a very inferior quality, and on the outskirts of the Town.

I am aware that opposition has been raised against possession being taken of the Grammar School land on the grounds that the Township would lose the Racecourse, and that the poor would lose their grazing-ground; and, also, that the Church would have more than its due. Neither of these pleas is well founded. The last I have already disposed of; and as to the two first, if the land had not been reserved for the School, it would, in all probability, have been sold before this in small allotments: and I should imagine it is not the intention of the Government to reserve in the country Townships any portion of their area for such purposes. Indeed there is a fatal objection to the Racecourse, in consequence of there not being enough *suivable* land for such a purpose,—permission always, after the first races (which by the way are not annual), having been obtained from the adjoining proprietor to remove his fence, and thus make up the deficiency.

I believe it has been further urged, that in consequence of not having built on the land, the conditions of the grant have not been complied with: but, in point of fact, the Trustees have done much better, for they have purchased a building in a much more convenient situation, and by expending a very considerable sum, they are now making it thoroughly complete and capable of accommodating Sixty Boarders, besides Forty Day-scholars. This Building will have cost altogether £4000; and, unless the essential appendage of a play-ground be secured, this spirited, and I will venture to add, truly patriotic effort for the promotion of education, will be most seriously marred for all time to come. The only possible land for this purpose is that next the Church; and the Government, by sanctioning the exchange, has secured the object for which it originally made the grant, viz.—a Grammar School for the Midland Districts. Far more valuable land has been given for the same purpose in the two chief Towns; and in addition to dealing justly with the country, it is a matter of some consequence that parents living in the Towns shall have the opportunity given them of sending their sons to such a healthy locality as Campbell Town,—and this will be more and more important as those Towns become more populous.

This arrangement will also be for the advantage of the Township, not only by promoting the welfare of the Grammar School, and the consequent expenditure of a large annual sum, in addition to the moral advantages, but by affording the Towns people the opportunity of playing Cricket on perhaps the very finest ground in the Colony. It is now being prepared for English grass, and it will be open to any Cricket Club under proper Regulations.

I have marked on the tracing in pencil that portion of the Church land which has been exchanged,—showing, besides the Church-yard and Burial Ground, another portion reserved for a Parsonage. I see by the tracing that I have under-estimated the land taken from the Church; it must be nearer twenty than fourteen acres.

Trusting that I have succeeded in explaining this question,

I have the honour to be,

Sir,

Your very obedient Servant,

WM. VALENTINE,

Secretary to C. T. Grammar School.

The Assistant Colonial Secretary.

To His Excellency Colonel THOMAS GORE BROWNE, C.B., Governor of Tasmania and its Dependencies, in Council assembled.

The humble Petition of the undersigned Inhabitants of Campbell Town and its Vicinity.

HUMBLY SHOWETH:

THAT your Petitioners are informed that Eighty Acres of Land in this Township, marked on the chart as "Collegiate Reserve," heretofore used and better known as "Racecourse," has been granted or promised by the late Ministry to the Church of England in exchange for Fourteen Acres adjoining the said Church in this Town, and which Fourteen Acres, with other land, in all amounting to Twenty-nine Acres, is marked on chart "Reserve for Burial-ground"—"Church."

Your Petitioners humbly protest against such said promise or grant, for the following reasons:—

It is obviously an unfair exchange,—Eighty Acres for Fourteen,—and that for the supposed or real benefit of one religious denomination; whereas your Petitioners represent many. Your Petitioners of the Church of England also object to having a portion of their property alienated, which may hereafter prove both very valuable and necessary, "to the use of a Collegiate Institution which does not exist."

Your Petitioners also beg to represent that the Church of England does already actually possess in this Town Twenty-nine or more Acres "Church Reserve," also a Glebe of Forty Acres, making a total of at least Sixty-nine, which is as much as, in fair proportion, it is entitled to. The Eighty Acres in question are also of the very greatest

importance to your Petitioners, particularly to the poorer portion, as a "Common,"—that being the only part of the Township, of any importance, unalienated by the Crown. Yet your Petitioners would not object if the conditions on which the original grant or promise was founded were carried into effect, namely, the erection of a College thereon; but as such has not been done, and as there is no prospect of the commencement of any building for the purpose, all your Petitioners humbly pray that Your Excellency will not concur with what would deprive the Crown of Eighty Acres of valuable land, and this community of their only commonage.

And your Petitioners, as in duty bound, will ever pray.

Claudius Thomson, J.P.	Benjamin Pears.	D. Wheelan.
John Mackersey.	William Pears.	William Brown.
Thomas B. Clarke.	William Gracie.	Robert Lang.
Henry N. Harrison.	Isaac Richardson.	George Clarke.
Thomas B. Blyth.	John Markey.	Jabez Gurr.
H. Kean.	Patrick Markey, senr.	H. W. Gorge.
John Taylor.	Patrick Markey, junr.	Andrew Gray.
C. J. Bayley.	Michael Markey.	John Sturges.
Joseph Brickhill.	Thomas Branagan.	George Phillips.
John Davidson.	Henry Hedges.	James Phillips.
H. T. Hogg.	John Jones.	Henry Phillips.
George Taylor, J.P.	James Mercer, J.P.	Nicholas Murphy.
Arthur Allison.	J. Nicolson, J.P.	Stephen Allard.
Robert Brown.	E. Archer Harrison.	William Gilders.
W. H. Mence.	John Cope.	Richard Buck.
Edward Currie.	N. P. Allison, J.P.	Wm. Wright.
Thomas Coombe.	C. E. Kean.	C. Stuart.
James Berger.	Bartholomew Shea.	John Preat.
Alexander Raiken.	Richard W. Kean.	James Deakin.
Patrick Kearney.	William Morrison.	John Bergen.
Thomas Turner.	James Gray.	James Thompson.