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PARLIAMENT OF TASMANIA.

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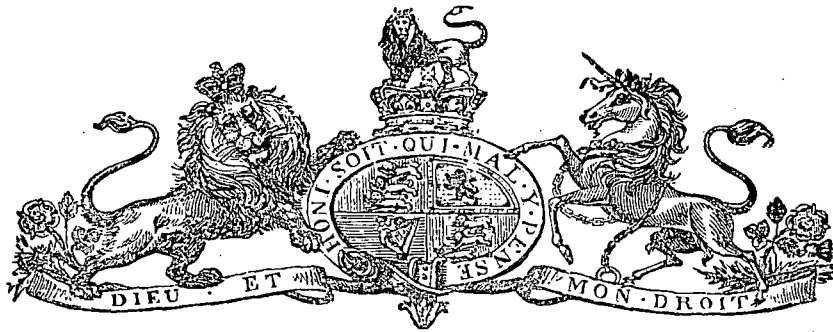
HIGH SCHOOL:

PETITION FROM MEMBERS OF THE COUNCIL.

*(Mr. Fysh, November 29, 1892.)*

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Ordered by the Legislative Council to be printed.



*To the Honorable the President and the Members of the Legislative Council, in Parliament assembled.*

The humble Petition of the undersigned Members of the Council of the High School of Hobart,

RESPECTFULLY SHOWETH :

In the year 1839, in consequence of the representations by His Excellency the Governor Sir John Franklin as to the state of education in Tasmania, the Secretary of State for the Colonies gave his sanction to a scheme for the establishment in this Colony of a college and of a superior school, in order "to afford a liberal education to the sons of the colonists, and to prepare them for entering upon the study of the learned professions."

In the year 1840 "The Queen's School" was opened at Hobart, and in consideration of its being established on such a scale as to become at a future period a college with a Royal Charter of Incorporation, a considerable annual grant from the public revenue was made for its support. The Queen's School, however, proved a failure, and after an existence of four years was closed in 1844.

In reply to a memorial presented in the same year by certain inhabitants of Tasmania praying for the establishment at Hobart of a Free Grammar School, Lord Stanley, the then Secretary of State for the Colonies, suggested to the Petitioners the propriety of their establishing by subscription a Proprietary School to be managed by a committee of the subscribers. In the event of such a school being founded Lord Stanley promised assistance from the public revenue.

In the year 1846 His Excellency Governor Sir J. E. Eardley-Wilmot addressed a letter to the Rev. John Lillie, one of the memorialists, in which he said: "The more I contemplate the state of education in the Colony the more impressed I am with the conviction that not only is it most desirable, but absolutely necessary, for the future character and prosperity of the Colony that the means of obtaining a sound and cheap education should be established. It is in vain to attempt the education of the youth in the higher branches of knowledge if the boy has not passed through the elementary instruction as well as discipline of a school, and I am of opinion that all attempts at collegiate tuition must fail if the scholastic is not first prosecuted. It is, therefore, with an earnest wish to carry out Lord Stanley's suggestion as contained in the despatch above referred to, that I call on those gentlemen who signed the petition, which I transmitted by their desire to England, as well as all those who wish to spread the advantage of sound and cheap instruction, to unite in forming a Proprietary School in this town."

The Governor offered as a site for such a school, if formed, a valuable block of land situated in the centre of Hobart. Meantime, Christ's College had been founded by subscription, and the Hutchins' School was opened as an institution affiliated to the College. Both school and college were distinctively Church of England institutions. The block of land which had been offered for a proprietary school was granted by His Excellency Sir William T. Denison as a site for the new Hutchins' School.

Shortly after the opening of the Hutchins' School a number of gentlemen who supported the system of undenominational education formed themselves into an association for the purpose of establishing a proprietary school on the lines suggested in Sir J. E. Eardley-Wilmot's letter. The list of subscribers included the names of many leading colonists, comprising persons of all denominations from all parts of the Island. Amongst them may be mentioned Rev. J. Lillie, T. D. Chapman, R. Officer, J. W. Agnew, Adye Douglas, A. McNaughtan, R. W. Nutt, Wm. Robertson, H. Hopkins, G. W. Walker, G. Butler, H. Walch, T. Young, C. Seal, J. Sprent, D. O'Connor, R. De Little, D. Taylor, T. G. Gregson, J. W. Gleadow, P. Oakden, J. Aikenhead, W. S. Button, W. D. Grubb, D. Barclay, D. Gibson, J. Maclanachan, and J. Sherwin. Of the original subscribers only three survive,—Hon. Adye Douglas, Hon. J. W. Agnew, and Mr. H. Propsting.

The Association was formed under the style of "The High School of Hobart Town," with a subscribed capital of more than £5000. Its objects are set forth in the Deed of Association, dated 23rd February, 1848, in the following words:—"For the purpose of establishing and carrying on at Hobart Town aforesaid an Institution having for its immediate object the instruction of youth in the higher branches of learning as taught in superior English, Classical, and Mathematical Schools, but having for its ultimate object the extension of its organisation and its aims concurrently with the growing wants of the community of Van Diemen's Land, and more particularly to obtain for it the privileges of a chartered Corporation to confer on Australian youth the inestimable advantages of a European University. The said Institution shall be at all times subject to the following fundamental Regulations:—1st. That the Holy Scriptures shall be read in the Institution to the pupils thereof daily; but that to preserve the catholicity of the Institution this rule shall not be enforced in the case of any pupil whose parent or guardian may object to it. 2nd. That the inculcation of the peculiar tenets of any religious denomination shall be scrupulously avoided as foreign to the design of the Institution."

On the application of the Association, His Excellency Governor Denison promised a grant of a piece of land in the Queen's Domain, Hobart, as a site for the proposed school. Messrs. T. D. Chapman, H. Hopkins, R. Officer, A. M'Naughtan, Wm. Robertson, and Wm. Rout were nominated as Trustees to whom the grant should issue; and by Letters Patent dated 28th April, 1848, a piece of land in the Queen's Domain, containing 4 acres 2 roods 25 perches, was granted to the Trustees, their heirs and assigns for ever.

The Governor, when making the grant, desired to impose a condition that in case of the dissolution of the Association the land, with all buildings upon it, should revert to the Crown absolutely and beneficially. To this the Council of the High School objected, on the ground that "if the land and buildings should absolutely revert to the Crown, they might be applied to other than educational purposes." They refused to accept the grant fettered by the condition proposed by the Governor. They "required that if the buildings, erected by the subscribers at a cost of several thousand pounds, should revert to the Crown, they should be devoted to educational purposes, based on the principles now governing the Institution," and they declared their intention of appealing from the determination of the Governor to that of the Secretary of State for the Colonies. After a correspondence extending over more than twelve months, the Governor yielded to the demands of the Council. A deed poll, bearing date 18th October, 1848, was executed by the grantees, by which it was declared that the land was to be held by them "upon trust for the said Company or Institution called The High School of Hobart Town, and to be for ever used and appropriated exclusively for the purposes of such Institution," with a proviso that if the Company or Institution should, by effluxion of time or from any cause whatever, be dissolved or cease to exist then the grantees should hold the land "upon trust, to be for ever used and appropriated exclusively for the purposes for which the Company or Institution had been formed and established."

In the year 1849 the Association erected school buildings on the granted land at a cost of over £4000. The total amount expended by the Association in erecting and fitting up the buildings, establishing the School, and bringing out a staff of masters from England, was £5550.

In the year 1850 the Crown granted to the Association a licence to occupy at a nominal rent the piece of land in front of the High School building and extending down to the Domain Road. This piece of land has now for forty-two years been held and occupied with the granted land as part of the High School premises.

The High School was opened on the 1st February, 1850. The prospectus of the School then issued states:—"This Institution has sprung out of the growing wants and desires of the community at large, confirmed by the formal encouragement and promised assistance of the Home and Colonial Governments, and is intended to advance and elevate the general education of the Colony upon a liberal scale, and with a view towards the contemplated establishment of a Tasmanian University."

The High School was carried on under the management of the Council of the Association for fourteen years.

In the year 1864, as the school had resulted in considerable loss, the Council of the Association made arrangements with the then Rector, the Rev. Richard D. Poulett-Harris, to carry on the Institution at his own risk, in accordance with the fundamental principles laid down in the Deed of Association above mentioned.

At this time the Association was indebted to the Bank of Van Diemen's Land in the sum of £2030, but the Bank agreed to accept £1800 in full for its claim. A special meeting of the shareholders of the Association authorised the raising of a loan to provide the necessary funds. Certain friends of the Institution agreed to advance £1500 on loan at 5 per cent. per annum, and £307 5s. 4d. was received in donations. The following were the amounts advanced:—Henry

Hopkins, £600 ; Robert Officer, £400 ; J. W. Agnew, £200 ; Wm. Rout, £200 ; W. A. Guesdon, £100. The following donations were received :—Wm. Rout, £182 5s. 4d. ; John Foster, £100 ; and A. Kissock, £25. With the moneys thus obtained the Bank overdraft was paid off. No part of the interest or capital has ever been paid to the subscribers, and the loan at simple interest now amounts to £2850. Of this sum £380 is due to your petitioner, J. W. Agnew, and £1140 to your petitioner, George Clarke.

The Association was dissolved by effluxion of time on the 7th March, 1869.

In the year 1885 the Rev. R. D. Poulett-Harris, who for 28 years had been Rector of the School, was compelled to resign the management in consequence of advancing age and failing health.

The Council of the High School thereupon entered into negotiations with the Council of Christ's College, and eventually arranged to permit the building to be occupied for the purposes of that College for a period of seven years, upon the condition that the School should be carried on upon the fundamental principles laid down in the Deed of Association, and that under no circumstances should any denominational teaching be given.

The Council of the High School declined to assent to the occupation of the buildings by Christ's College for a longer period than seven years, on the ground that they desired to keep the premises free to hand over to a Tasmanian University, as contemplated by the Deed of Association, if such a University should be established, and should require the buildings for purposes of teaching.

The Council of Christ's College, during its occupation of the premises, expended various sums amounting to about £500 on repairs and improvements to the buildings.

On 31st January last the Council of Christ's College handed over the premises to the Council of the High School.

The present Council of the High School consists of your Petitioners, George Clarke, James Wilson Agnew, Philip Oakley Fysh, John Mitchell, and James Backhouse Walker.

All the original grantees of the land are dead, and the legal estate in the land is now vested in the representatives of the last surviving trustee, the late Alexander M'Naughtan, subject to the trusts declared in the above mentioned deed poll of 18th October, 1848.

The event contemplated nearly half a century before by the founders of the High School, and anticipated seven years ago by its Council, your present Petitioners, came to pass on the 1st January, 1890, when, by "The Tasmanian University Act," the University of Tasmania became incorporated, endowed by Parliament with an income from the public revenue. The object of Parliament in establishing the University is set forth in the preamble of the Act to be "for the promotion of useful knowledge, and to hold forth to all classes of Her Majesty's subjects in Tasmania, without any distinction whatsoever, encouragement for pursuing a regular and liberal course of education."

The Council of the University, under the authority given to it by the University Act, has lately appointed three Lecturers to begin the work laid upon it of providing the means for all classes in the community to pursue a regular and liberal course of education. This work cannot be efficiently carried on without accommodation for lecture rooms and other conveniences, which accommodation can be conveniently provided at a small cost in the premises occupied by the High School.

Your Petitioners therefore respectfully ask your Honorable House to lend your assistance in giving effect to the trusts on which the land was originally granted by the Crown, and in advancing the interests of the liberal education of the youth of the Colony, by assenting to the legislation necessary for vesting the High School premises in the University of Tasmania.

And your Petitioners will ever pray, &c.

GEORGE CLARKE, *Chairman of Council of High School.*

J. W. AGNEW.

P. O. FYSH.

J. MITCHELL.

JAMES B. WALKER.