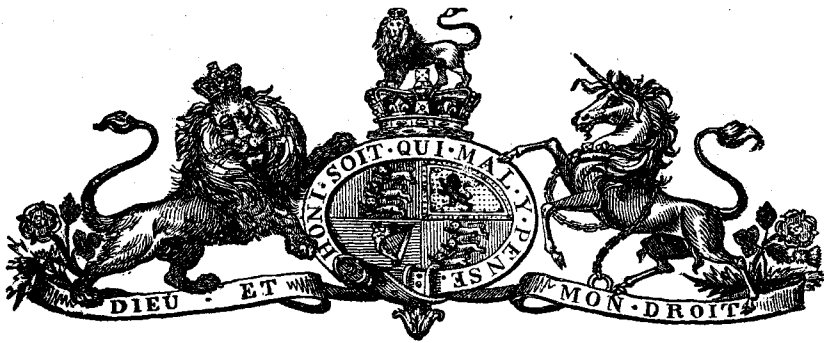


T A S M A N I A .



1858.

ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 21.

*Am. by 35 (N. 16)
42 - 30*

AN ACT to establish a Council of Education with Power to grant a certain Degree, and to endow Scholarships tenable in the United Kingdom by the Youth of *Tasmania*.

[5 November, 1858.]

WHEREAS it would tend to encourage the pursuit of a regular and liberal course of Education among the Youth of this Colony, and to enable its inhabitants to participate in the benefits resulting from the advanced state of mental culture in *Great Britain*, if a Council of Education were established with power to grant a certain Degree, and Scholarships endowed, to be bestowed upon such of the Youth of the Colony as manifest a sufficient degree of proficiency in Literature and Science, and to be available in the United Kingdom for the purpose of enabling them to pursue their studies at the Seats of Learning there: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

1 There shall be a Council consisting of Fifteen Members, to be nominated and appointed, in the first instance, by the Governor with the advice of the Executive Council, by Proclamation in the *Gazette*, within Six months after this Act takes effect; and upon the publication of such

*The Tasmanian
Council of Educa-
tion established.*

Proclamation the said Council shall be deemed to be constituted, and shall thereupon be a Body Corporate and Politic, by the name of "*The Tasmanian Council of Education*," and by that name shall have perpetual succession, and all the legal incidents of a Corporation: Provided, that such Council may, if it thinks fit, exercise any of its functions without affixing its Common Seal to the document by which any such function may be exercised.

President of Council to be elected.

2 The Members of the said Council shall, by a majority of votes, elect One of their own body to be the President of such Council for such period, not exceeding Three years, as such Council may, from time to time, appoint; and from time to time, whenever a vacancy occurs in the office of President, the said Members shall in like manner elect One of their own body to fill such vacancy.

Who to preside at Meetings.

3 At every Meeting of the said Council the said President if present shall preside, and in his absence a Chairman shall be chosen by the Members present.

How vacancies in Council to be filled up.

4 All vacancies which may occur among the Members of the said Council by death, resignation, or otherwise, shall be filled up as they may occur, by the Election of such other fit and proper persons as the remaining Members of the Council, at Meetings to be duly convened for that purpose from time to time, elect to fill such vacancies.

Questions to be decided by a majority of votes.
Quorum.

5 All questions which come before the said Council shall be decided by the majority of the Members present, and the Chairman at any such Meeting shall have a deliberative and a casting vote; and no question shall be decided at any Meeting unless Five Members at the least are present at the time of the decision; and all powers vested by this Act in the said Council may be exercised by any Five of such Members at a Meeting duly convened.

Secretary of the Council.

6 The Secretary for the time being to the Board of Education at *Hobart Town* shall be the Secretary of the said Council, and shall perform all duties required of him by such Council as such Secretary: Provided, that if the said office of Secretary to the Board of Education should be abolished, the Council shall have power, from time to time, to appoint a fit person as and to be the Secretary of the Council, removable at the pleasure of the Council, and to assign such remuneration to such Secretary for his services, out of any funds that may be provided by Parliament for the purpose, as the Council thinks reasonable.

General control of all matters to which Act relates vested in the Council.

7 The said Council is hereby entrusted with and empowered to make all arrangements necessary or expedient for effectuating the objects and purposes of this Act; and the matters to which this Act relates shall, subject to the provisions herein contained, be under and subject to the control, management, and superintendence of the said Council.

Council may confer Degree of Associate of Arts.

8 The Council shall have power to confer the Degree of Associate of Arts upon all Students who have passed a satisfactory examination in such subjects as the Council from time to time appoints.

Annual examinations for Degree to be held.

9 On such days between the First day of *September* and the last day of *November* in the year 1860, and in every succeeding year as the said Council may from time to time appoint, and of which days

sufficient public notice shall be given, an Examination shall be held of such Students as have given the necessary notice of their intention to become Candidates for such Degree; and the names of all Students who have passed such examination to the satisfaction of the Examiners shall be published in the *Gazette*, such names being arranged in order of merit, in different classes or otherwise as the Examiners think fit.

10 Eight Scholarships are hereby established, which shall be called "Tasmanian Scholarships," and which, subject to the provisions of this Act, shall be open to the Youth of *Tasmania* who have previously passed a satisfactory examination for such Degree, and such Scholarships shall be tenable in the United Kingdom for the purpose of enabling Students obtaining such Scholarships to become and continue Members of some University in *England, Scotland, or Ireland* having power by Law to confer Degrees in Arts, Law, or Medicine.

Eight *Tasmanian* Scholarships established.

Purpose of such Scholarships.

11 Of such Eight Scholarships Two shall be open for competition in the year 1861, and Two in every succeeding year, until the whole of such Eight Scholarships have been awarded; and afterwards as such Scholarships become vacant they shall again be annually open for competition, to the intent that in the year 1861, and in every succeeding year, Two *Tasmanian* Scholarships may be open for competition and subject to be awarded; and that after the first Eight Scholarships have been awarded, there may always be Eight of the most proficient of the Youth of *Tasmania* receiving the advantage of a liberal education at the Seats of Learning in the Mother Country.

Two of such Scholarships to be awarded in 1861, and Two in every succeeding year.

12 Each of such Scholarships shall be of the annual value of Two hundred Pounds, with which sum each such Scholarship is hereby endowed, and such Endowment is hereby charged upon and made payable out of the General Revenue; and the Governor is empowered and required from time to time, by warrant under his hand, to direct the same to be paid out of such General Revenue in accordance with the provisions of this Act.

Each Scholarship to be of annual value of £200 charged upon the General Revenue.

13 On such days between the First day of *September* and the last day of *November* in the year 1861, and in every succeeding year, and at a convenient time after the holding of the Examination for such Degree, as the said Council may from time to time appoint, and of which days sufficient public notice shall previously be given, an Examination of Candidates for the Scholarships established by this Act then open for competition shall be held; and at the conclusion of every such Examination the Examiners shall declare the names of the successful Candidates, if any, and such names shall be published in the *Gazette*: Provided, that none of such Scholarships shall be awarded except to such Candidates as evince a degree of proficiency satisfactory to the Examiners, regard being had to the standard of proficiency in that behalf for the time being declared by the said Council.

Annual Examinations for Scholarships to be held.

14 The Examinations for the *Tasmanian* Scholarships shall comprise the following subjects:—

Subjects of Examination.

1. *Classics*.—Translations from Greek and Latin Authors into English. Greek and Latin Composition. Ancient History. Philology.
2. *Mathematics*.—Arithmetic. Algebra. Euclid. Plane Trigonometry.

3. *Natural Philosophy*.—Elementary Statics, Dynamics, and Hydrostatics.

4. *Modern History*.—The History of *England*.

5. *Modern Languages*.—The Grammatical Structure of the English Language, and French or German, at the option of the Candidate.

Council may appoint additional subjects.

And the said Council may from time to time appoint any additional subjects for Examination, excepting Theological subjects, which the Council may think fit: Provided, that public notice of such additional subjects shall be given at least One year next before the Examination.

Qualifications of Candidates.

15 All Youths above the age of Sixteen and under the age of Twenty years, who have been resident in the Colony for the period of Five years next before the time of the Examination, and who have taken the Degree of Associate of Arts, and none others, shall be qualified to be Candidates for such Scholarships, and entitled to be examined at such Yearly Examination for the same.

Period of tenure of Scholarship.

16 Each of such Scholarships shall be tenable for the period of Four Years commencing on the First day of *June* in the year following that in which the Examination is held at which such Scholarship was obtained; and on the expiration of such period of Four Years the Scholarship shall become vacant by effluxion of time, and subject to be awarded to another successful Candidate.

Conditions of tenure of Scholarship.

17 The conditions of the tenure of every Scholarship under this Act shall be, that the Scholar shall, within Six months after obtaining the Scholarship, proceed to the United Kingdom, and as soon as may be after arrival there become a Member of some such University as aforesaid, and that he shall continue a Member of such University, and apply himself diligently to the course of study prescribed therein during his tenure of the Scholarship, or until he obtains a Degree: Provided, that nothing herein contained shall prevent the Scholar from migrating from one such University to another, subject to such Rules as may be made by the Council for regulating the circumstances under which Scholars may migrate.

When endowment payable.

18 No portion of the Endowment of any Scholarship shall be paid to the Scholar until he has actually arrived in the United Kingdom, and has become a Member of some University there.

No second Scholarship to same person.

19 No person to whom a Scholarship created by this Act has been awarded shall be capable of again becoming a Candidate for any such Scholarship, unless he has been prevented from taking advantage of the same by sickness or other cause to be allowed by the Council.

Council may declare Scholarship forfeited on breach of condition.

20 The said Council shall have power to declare any such Scholarship to be forfeited upon breach of any of the conditions aforesaid, or if any Scholar is expelled from the University of which he has become a Member, or upon any such misconduct on the part of the Scholar being shown to the satisfaction of the Council as it may consider to disentitle him to hold the Scholarship; and thereupon such Scholarship shall be forfeited.

Endowment to cease on forfeiture, &c. of Scholarship.

21 Upon the forfeiture of a Scholarship, or the death or resignation of a Scholar, the Endowment of the Scholarship shall cease for the remainder of the period for which it was originally tenable.

22 Upon any Scholarship being awarded under this Act, and a Certificate to that effect transmitted by the said Council to the Governor, the Governor is hereby empowered and required to cause to be paid to the said Council yearly, or at such other periods as the Governor thinks fit, the amount of the Endowment of such Scholarship, which the said Council shall, subject to the provisions of this Act, cause to be paid to or for the benefit of the Scholar entitled thereto, and shall make such arrangements for such purpose as the Council deems expedient.

Endowment to be paid to and disbursed by Council.

23 Subject to the provisions of this Act, the Council shall have power from time to time to declare the standard of proficiency which will entitle Candidates to the said Scholarships.

Council empowered to fix standard of proficiency.

24 The said Council shall, from time to time as occasion requires, appoint learned and competent persons, whether Members of such Council or not, as Examiners to conduct the Examinations under this Act, and shall assign such remuneration to such Examiners for their services, out of any funds which may be provided by Parliament for the purpose, as the Council thinks reasonable; and such remuneration shall, upon being certified to the Governor by the said Council under the hand of the President or Secretary, be paid out of the funds so provided by warrant under the hand of the Governor.

Council to appoint Examiners.

25 All Examinations under this Act shall be conducted by means of written or printed papers; but the Examiners shall not be precluded from putting *vivâ voce* questions.

Manner of Examination.

26 The said Council may, if it thinks fit, give public notice of the particular Books in which Candidates will be examined, whether for such Degree or a Scholarship, such notice to be published at least One year before the Examination.

Council may give notice of the particular Books for examination.

27 Every youth desiring to become a Candidate for such Degree shall send in his name to the said Council at least One month next before the First day of *September* in the year in which he intends to become a Candidate, and every youth desiring to become a Candidate for any such Scholarship shall send in his name to the said Council at least One week before the first day of the Examination at which he desires to compete for such Scholarship, and shall furnish proof satisfactory to the said Council that he is qualified according to this Act to become such Candidate; otherwise he shall not be allowed to compete at such Examination.

Candidates to give notice of their intention to compete for Degree and Scholarship.

28 The said Council shall have power, out of any funds which may be provided for that purpose by Parliament, to award to Students who have passed their examination for the Degree of Associate of Arts such other Scholarships tenable in this Colony, and such other Exhibitions and Prizes, as the said Council may think proper; and to prescribe the terms and conditions on which any such last-mentioned Scholarship or Exhibition shall be tenable; but no such last-mentioned Scholarship or Exhibition shall be retained by any Student who obtains a *Tasmanian* Scholarship available in the United Kingdom, after he has obtained the same.

Council empowered to award other Scholarships, Exhibitions, and Prizes.

29 The said Council is hereby empowered, from time to time, to make, alter, and rescind Bye-laws and Rules, not inconsistent with the general objects of this Act, regulating the examinations for the

Power to make Bye-laws and Rules.

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Scholarships established by this Act, or any other Scholarships which may be placed under the management of the said Council,—the mode of ascertaining the qualification of Candidates for Examination, and the performance of the conditions of the tenure of such Scholarships,—the payment of the Endowment of such Scholarships,—the mode and time of convening the Meetings of the said Council,—regulating and determining the circumstances under which a Member shall be held to have vacated his Seat in the said Council,—and generally regulating all matters touching the objects of this Act not sufficiently provided for, and for more effectually carrying out such objects: Provided, that all such Bye-laws and Rules shall be submitted to the Governor in Council, and approved and countersigned by the said Governor, and after such approval shall be published in the *Gazette*, whereupon the same shall be of equal force with this Act.

Council to report annually to Governor.

30 The said Council shall, in the month of *May* in the year 1861, and in the same month in every succeeding year, transmit a Report of the Proceedings of the said Council to the Governor, including in such Report an account of all moneys received and disbursed by the said Council, and such account shall be audited by the Colonial Auditor; and the Governor shall cause every such Report to be published in the *Gazette*, and laid before both Houses of the Parliament of *Tasmania*.

Governor empowered to remedy irregularities in proceedings of Council.

31 In case of any error, omission, or irregularity in any of the proceedings or acts of the said Council, the Governor in Council shall have power and authority to take such measures as he may think fit for remedying any such error, omission, or irregularity, so far as the same can be remedied.

Council empowered to accept Endowments.

32 The said Council is hereby empowered to accept and receive Endowments of land or money from private persons for promoting the liberal Education of the Youth of the Colony, and to apply such Endowments in pursuance of the objects of the Donors; and to make arrangements for carrying out those objects, and to make Rules for the management of the property given, and for effectuating such objects.

Short Title.

33 In referring to this Act it shall be sufficient to use the expression *The Tasmanian Council of Education and Scholarship Act*.