

## PROVINCE OF AUCKLAND.

EDUCATION ACT 1872 AMENDMENT ACT  
1874.

IN THE THIRTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

1874. SESSION XXIX., No. 38.

## ANALYSIS:

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Interpretation.<br/>3. Household rate may be levied.<br/>4. Section 37 amended.<br/>5. Section 38 amended.<br/>6. Certain non-householders to pay annual rate not exceeding 10s.<br/>7. Superintendent may appoint time and place for payment of rates.<br/>8. Application of Section 39 to rates under this Act.<br/>9. Highway District Boards may collect rates.<br/>10. Appointment of collectors and receivers.<br/>11. Non-householders to give required information to collector. Penalty for breach.<br/>12. Regulations may be made.<br/>13. Section 40 repealed. Rates may be sued for in name of Superintendent.<br/>14. Rate levied to be for the current calendar year.</p> | <p>15. Non-householders to have same powers as householders.<br/>16. No person to take part in meetings unless rate first paid.<br/>17. Penalty for making false representations.<br/>18. Recovery of rates.<br/>19. District School may be converted into a Superior School.<br/>20. Management of Superior School.<br/>21. District School may be used as a Model School.<br/>22. A High School for Boys may be established. Subjects to be taught.<br/>23. A High School for Girls may be established.<br/>24. Board may appoint Local Committee of Management where High School established.<br/>25. Condition of admission to High School or higher department of Superior School.<br/>26. Certain powers conferred upon Board not compulsory.</p> |
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AN ACT to amend "The Education Act 1872."

Title.

[31st July, 1874.]

WHEREAS it is expedient that "The Education Act 1872" should be amended in respect of the matters hereinafter contained.

Preamble.

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

- Short Title.** 1. The Short Title of this Act shall be "The Education Act 1872 Amendment Act 1874."
- Interpretation.** 2. The words "the said Act" wherever used throughout this Act shall mean "The Education Act 1872" as amended by this Act and this Act shall be deemed and taken to be part of and be read with the said Act.
- Household rate may be levied.** 3. The order made by the Board for the levying of a household rate under the said Act for the year 1874 is hereby rescinded and it shall be lawful for the Board to proceed under the 37th Section of the said Act to fix the amount of the household rate for the year 1874 in the same manner as if no proceedings had heretofore been taken by the Board under the said 37th Section.
- Section 37 amended.** 4. The 37th Section of the said Act is hereby amended by inserting after the word "shall" in the sixth line the words "at the time of giving the public notice hereinafter mentioned."
- Section 38 amended.** 5. The 38th Section of the said Act is hereby amended by striking out the word "seven" in the third line thereof and inserting the word "six" in its place and by striking out the word "five" in the sixth line thereof and inserting the word "ten" in its place.
- Certain non-householders to pay annual rate not exceeding 10s.** 6. For the purpose of making further provision for raising funds to carry out the provisions of the said Act and this Act an annual rate to be fixed by the Board not exceeding ten shillings in any one year shall be levied upon every male person of the age of twenty-one years and upwards residing within the Province who shall not be liable to pay the household rate hereinbefore provided.
- Superintendent may appoint time and place for payment of rates.** 7. The Superintendent shall in like manner and subject to the same conditions as in the case of the household rate appoint a time and place when and where such last mentioned rate shall be payable and a person or persons to whom the same shall be paid and any person who shall make default in payment thereof or any part thereof shall be dealt with in the same way as is provided in respect of persons making default in payment of the household rate.
- Application of Section 39 to rates under this Act.** 8. The provisions of Section 39 of the said Act shall apply to all rates levied under this Act.
- Highway District Boards may collect rates.** 9. It shall be lawful for the Superintendent in his discretion to direct and require that the duty of collecting all rates payable under the provisions of this Act shall be carried out discharged and performed by the respective Highway District Boards for and within their several districts.
- Appointment of collectors and receivers.** 10. It shall be lawful for the Superintendent to appoint competent persons to be collectors and receivers of any rates to be levied under this Act.
- Non-householder to give required information to collector.** 11. Every man who shall not be liable to the payment of the household rate shall when requested thereto by any collector appointed under this Act state his age correctly and any person who shall make any false statement to any such collector in reply to any question

which such collector is authorised to put to him shall be deemed guilty of a breach of this Act and shall on conviction thereof forfeit and pay any sum not exceeding ten pounds.

Penalty for breach.

12. It shall be lawful for the Superintendent from time to time to make alter amend and revoke regulations for the purpose of regulating and facilitating the collection and recovery of all rates levied under this Act And such regulations and alterations and amendments thereof shall from and after their publication in the *Provincial Government Gazette* and in at least one newspaper published and generally circulated within the Province and until revocation have the same force and effect as if they had been embodied in and formed part of this Act.

Regulations may be made.

13. Section 40 of the said Act is hereby repealed and in lieu thereof it is enacted as follows: All rates in arrear may be sued for in the name of the Superintendent by any duly qualified receiver of rates and it shall be lawful in cases where the amount for which any person may be liable may be unknown to the receiver or may be in dispute to sue for the full amount of rate claimed to be due by such receiver and the burden of proof that any person is not liable to pay the full amount so claimed shall rest upon such person.

Section 40 repealed. Rates may be sued for in name of Superintendent.

14. Every rate levied under the said Act or hereafter to be levied under the said Act and this Act shall be deemed and taken to have been and to be made and levied for the then current calendar year.

Rate levied to be for the current calendar year.

15. All persons liable to the payment of the rate leviable under Section 6 of this Act shall be entitled to attend and take part in all meetings of householders provided by the said Act and to become Members of School Committees and shall have all other powers and privileges which the said Act or this Act confers upon householders.

Non-householders to have same powers as householders.

16. No person rated under the provisions of the said Act or of this Act shall be entitled to take part in any meetings or to be elected a Member of any School Committee as in the last preceding Section mentioned unless he shall have previously paid all rates due by him.

No person to take part in meetings &c. unless rate first paid.

17. If any person liable to the payment of any rate leviable under the said Act shall knowingly make false representations to the Board or to any District School Committee for the purpose of being relieved from the payment of any such rate or any part thereof he shall be deemed guilty of a breach of this Act and shall on conviction thereof forfeit and pay any sum not exceeding ten pounds.

Penalty for making false representations.

18. In addition to any remedy given by the said Act for the recovery of rates leviable thereunder it shall be lawful for any person duly authorised by the Superintendent in that behalf to proceed civilly in his own name in any Court of competent jurisdiction for the recovery of any unpaid rate or rates.

Recovery of rates.

19. It shall be lawful for the Board on receiving an application in writing from the School Committee having the management of a District School established under the said Act to convert any such school into and establish the same as a Superior School.

District School may be converted into a Superior School.

Management of  
Superior School.

20. Every such Superior School shall be under the charge of a Head Master whose duty in addition to a general supervision over the whole establishment shall be to teach such of the pupils belonging to his school as are qualified to receive such instruction in such higher branches of education as shall be determined by the Board but instruction in elementary education shall be given in one or more departments of every such Superior School Provided also that the Board may fix such a rate of School fees for the pupils receiving such superior education as it may deem requisite and apportion such fees for the payment of the teacher or teachers of the said school.

District School may  
be used as a Model  
School.

21. It shall be lawful for the Board with the consent of the School Committee having the management of any District School to make use thereof as a Model School or to establish and maintain a Model School subject to such regulations and rules as may from time to time be made by the Board.

A High School for  
Boys may be  
established.

Subjects to be taught.

22. It shall be lawful for the Board to establish and maintain in any populous part of the Province a High School for Boys under a Head Master and such number of duly qualified Masters and Assistants as the Board may consider necessary in which High School shall be taught all the branches of a liberal education the French and other modern languages the Latin and Greek classics mathematics and such other branches of science as the advancement of the Colony and the increase of the population may from time to time require and such High School shall be entirely under the superintendence and control of the Board and shall be maintained and supported and all salaries and expenses connected therewith paid out of School fees as fixed from time to time by the Board from voluntary contributions and from any funds voted for that specific purpose by the Provincial Council.

A High School for  
Girls may be  
established.

23. It shall be lawful for the Board to establish and maintain in any populous part of the Province a school for the higher education of girls under a Lady Principal and such number of duly qualified Masters Governesses and Assistants as the Board may consider necessary and the said High School for Girls shall be entirely under the superintendence and control of the Board and shall be maintained and supported and all salaries and expenses connected therewith paid out of School fees as fixed from time to time by the Board from voluntary contributions and from any funds voted for that specific purpose by the Provincial Council.

Board may appoint  
Local Committee of  
Management where  
High School  
established.

24. The Board may nominate and appoint not less than three nor more than five persons resident in the district in which any High School established under the provisions of this Act may be situated to be a local Committee of Management of such School and such Committee shall perform such duties as may be from time to time prescribed by regulations made by the Board.

Condition of ad-  
mission to High  
School or higher  
department of  
Superior School.

25. It shall be lawful for the Board in the case of any High School or the higher department of a Superior School established under the provisions of this Act to require as a condition of admission that a minimum age and standard of attainment to be fixed by the Board shall be reached by all candidates for admission to such School or department.

26. The powers conferred upon the Board by Sections 19 to 25 shall not be compulsory and shall be exercised in the discretion of the Board. Certain powers conferred upon Board not compulsory.

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