

Education.

ANALYSIS.

- Title.
Preamble.
1. Short Title. Commencement of Act. Divisions of Act.

PART I.

PRELIMINARY. MINISTER OF EDUCATION. INSPECTORS OF SCHOOLS.

2. Repeal clause.
3. Minister of Education.
4. Functions of Minister. Members of Council of University. Native Schools Act.
5. Secretary to Minister. Inspectors of Schools.

PART II.

EDUCATION BOARDS: THEIR CONSTITUTION, POWERS, DUTIES, AND PROCEEDINGS. APPOINTMENT OF SCHOOLMASTERS.

6. Each Province constituted an Education District.
 7. Education Boards. First Board.
 8. Constitution of Boards. Places of members of Board to be vacated in certain cases. Vacancies how to be filled. Board incorporated. County Council of Westland to be Education Board for Westland.
 9. Property acquired under repealed Acts in whom to vest. Moneys owing under repealed Acts by and to whom to be paid. Contracts entered into under repealed Acts by whom to be performed.
 10. Secretary of Board.
 11. Duties of Secretary.
 12. General meetings of Board. First meeting. Place of meeting.
 13. Conduct of proceedings of Board.
 14. Minutes of proceedings to be kept.
 15. Moneys to be paid into Bank.
 16. Powers and duties of Board. Establishment of School Districts.
 17. Notice of School Districts established to be gazetted. Existing Districts. New Districts.
- #### APPOINTMENT OF SCHOOLMASTERS.
18. Board to appoint teachers.
 19. Teachers appointed under repealed Acts continued in office.
 20. Duration of appointments of school teachers.

PART III.

SCHOOL DISTRICTS. SCHOOL COMMITTEES AND THEIR DUTIES. ASSISTANT AND PUPIL TEACHERS.

21. Inhabitants of a district may memorialize for constitution of such into a School District. Meeting of inhabitants may be called.
22. Proceedings at such meeting. Election of School Committee.

23. Annual election of School Committee.
24. Disqualification of members of School Committee. Meeting in 1872 for election of School Committee.
25. Question arising as to validity of election to be decided by Board of Education.
26. If School Committee not elected, Board may appoint Commissioners.
27. Chairman of School Committee.
28. Proceedings of School Committee.
29. Minutes to be kept.
30. School Committee may be represented in legal proceedings by Chairman or Clerk.
31. District Schools.
32. School Committee may provide buildings &c.
33. Board may contribute to payment of teachers' salaries &c. the School Committee to provide the balance.
34. School Committee may appoint schoolmistresses and teachers of sewing.
35. Board may acquire lands and buildings at request of School Committee.
36. Pupil-teachers.

PART IV.

GRAMMAR, MODEL, AND HIGH SCHOOLS. LIBRARIES. SCHOLARSHIPS, ETC. FREE SCHOOLS.

37. Common schools may be converted into grammar schools.
38. Grammar schools how to be conducted.
39. Model schools.
40. High schools.
41. Girls' schools.
42. Trustees of schools may relinquish trust to Board.
43. Libraries in School Districts.
44. Libraries for Teachers' Association.
45. Exhibitions scholarships &c.
46. Free schools.

PART V.

SCHOOL FEES TO BE PAID AND HOW TO BE COLLECTED. EXEMPTIONS.

47. Fees to be paid in other schools except in certain cases. Exemptions by School Committee. Board may pay for child in certain cases.
48. Teacher or Treasurer to collect school fees. Fees when collected to be paid to School Committee.

PART VI.

FUNDS AND THE APPLICATION THEREOF AT DISPOSAL OF THE GOVERNOR AND BOARDS RESPECTIVELY. AIDED PUBLIC SCHOOLS.

49. Purposes on which Board may expend funds.

50. Governor empowered to make advances to School Committees and Boards for providing school buildings.
51. Purposes to which Governor may apply appropriations by the General Assembly.
52. Aided schools in districts not within School Districts.
53. Aided schools within School Districts.
54. Minister may grant aid to a public school when refused by Board without reasonable cause.

PART VII.

WHAT SCHOOLS TO BE DEEMED PUBLIC SCHOOLS FOR THE PURPOSES OF THE ACT. PROVINCIAL SCHOOLS. INSPECTION OF SCHOOLS.

55. What schools to be deemed public schools.
56. Provincial schools.
- 56A. Physical training and drill.
57. Inspection of schools.
58. Governor may direct inspection of schools &c.

PART VIII.

COMPULSORY EDUCATION. EXEMPTIONS.

59. What children compellable to attend school.
60. Exemptions.
61. If child not sent to school notice to be served on parents.
62. If child not sent parent may be summoned before Justices and ordered to send child to school.
63. If not sent after order liable to penalty.
64. Children ordered to be sent to aided or Provincial school not to be refused admission on account of refusal or neglect to pay fees.
65. Proceedings for orders to send children to school. Fees and penalties how to be recovered.

PART IX.

REGULATIONS AND RETURNS.

66. Regulations by Governor in Council.
67. Annual report by Minister to Governor and to General Assembly.
68. Boards to make returns to Minister.
69. Teachers of Provincial and aided schools to make returns.

PART X.

WHAT TO BE DONE IN CASE INSUFFICIENT PROVISION MADE FOR EDUCATION BY EDUCATION BOARD.

70. For every Province sufficient public school accommodation to be provided.
71. Public elementary schools.
72. If complaint made to Minister that accommodation is insufficient to refer complaint to Board of the Province. The Board to make inquiry and supply deficiency.

72. If after three months deficiency not supplied and complaint made to Minister he may cause inquiry to be made.
73. If Minister deem accommodation insufficient he may make requisition on Board and Board then to supply deficiency.
75. What to be done if requisition not complied with.

PART XI.

ANNUAL ESTIMATE OF EXPENDITURE AND INCOME BY BOARD. PROVINCIAL RATES. DISTRICT RATES. APPEALS. RECOVERY OF RATES, ETC.

76. Annual estimate of expenditure and income by Board.
77. Rate may be either annual value rate or household rate.
78. Annual value rate. Household rate.
79. Annual value rates when and on whom to be made. Pastoral land held under Crown. Crown not to be rated as owner. Household rates when and on whom to be made.
80. Rates to be for periods fixed by Board and may be retrospective.
81. Rate book to be made. And open to inspection. Rate may be amended.
82. Valuation for annual value rates. Return for household rate. Rates to be made upon last valuation or return. Net annual value.
83. Form of valuation and return. Powers of assessors.
84. When owner rated in respect of property under lease prior to Act tenant to pay.
85. Owner how to be designated when not known.

APPEALS.

86. Appeals. Court empowered to amend rate. Costs of appeal. Orders not removable by *certiorari*.
87. Rates may be recovered summarily. Rate book evidence.
88. If persons about to quit without paying rates, Justices may issue order and distress warrant.
89. Rates to be apportioned on holder &c. quitting.
90. Owner to pay annual value rates under this Act in default of occupier.
91. Rates due from owner may be recovered from occupier. Amount to be recovered not to exceed rent due by occupier.
92. Sale for non-payment of rates.
93. District school rates on memorial of Committee.
94. Board may order District school rate for payment of Commissioners.

PART XII.

RESERVES.

95. Governor may make reserves for sites of schools and endowment. Such and all reserves to vest in Board.
96. School Reserves to vest in Board. Board may let lands on lease. Schedules.

The Education Act.

A BILL INTITULED

AN ACT to make provision for the better Education of the People of the Colony of New Zealand. Title.

WHEREAS it is expedient to make further and better provision for the education of the people: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 **I.** The Short Title of this Act shall be “The Education Act, 1871.” It shall come into operation on the *first* day of *January*, one thousand eight hundred and seventy-two, except as to the appointment of the Minister and his Secretary, and the Government Inspectors of Schools, for which purposes only this Act shall come into operation on the passing hereof, and it is divided into parts as follows:— Short Title. Commencement of Act.

PART I.—Preliminary. Minister of Education and Inspectors of Schools. Divisions of Act.

10 **PART II.**—Constitution of Education Boards for each Province. Proceedings, Powers, and Duties of Education Boards. Appointment of Schoolmasters.

PART III.—School Districts: School Committees and their Duties: Assistant and Pupil Teachers.

15 **PART IV.**—Grammar, Model, and High Schools: Libraries Scholarships, &c. Free Schools.

PART V.—School Fees to be paid and how collected: Exemptions.

20 **PART VI.**—Funds and application thereof at disposal of Governor and Board respectively. Aided Public Schools within and without School Districts.

PART VII.—What Schools to be deemed Public Schools for purposes of this Act. Provincial Schools. Inspection of Schools.

25 **PART VIII.**—Compulsory Education: Exemptions.

PART IX.—Regulations and Returns.

PART X.—What to be done in case insufficient provision made for Education by Board.

30 **PART XI.**—Annual Estimate of Expenditure and Income by Boards. Provincial Rates: District Rates: Appeals: Recovery of Rates.

PART XII.—Reserves.

PART I.

PRELIMINARY. MINISTER OF EDUCATION. INSPECTORS OF SCHOOLS..

Repeal clause.

2. Upon the coming into operation of this Act, the Acts and Ordinances specified in the First Schedule hereto shall be repealed.

Minister of Education.

3. The Governor may from time to time appoint any responsible Minister of the Crown to be Minister of Education, and may remove any such person so appointed, every such appointment and removal to be published in the *New Zealand Gazette*; and such Minister is hereinafter referred to as "the Minister." 5

Functions of Minister.

Members of Council of University.

4. The Minister shall be *ex officio* a Member of the Council of the University of New Zealand, in addition to the twenty Members of the said Council provided for by "The New Zealand University Act, 1870," and shall have the same powers duties and privileges as any other Member of the said Council; and he shall generally administer this Act. 10

Native Schools Act.

The Minister shall administer "The Native Schools Act, 1867," and all the powers and duties vested in and conferred on the Colonial Secretary by the said Native Schools Act shall be vested in and conferred on the Minister instead of the Colonial Secretary. 15

Secretary to Minister. Inspectors of Schools.

5. The Governor may from time to time appoint and remove a Secretary to the Minister, and such Inspectors of Schools and other officers as may be deemed necessary; and all Inspectors of Schools holding office at the time of the coming into operation of this Act under the provisions of any Ordinance or Act repealed hereby, shall, subject to removal as aforesaid and to any express provisions of this Act, continue to act as Inspectors of Schools under the Minister; and every Inspector of Schools under the Minister is hereinafter referred to as a "Government Inspector of Schools." 20 25

PART II.

EDUCATION BOARDS: THEIR CONSTITUTION, POWERS, DUTIES, AND PROCEEDINGS, APPOINTMENT OF SCHOOLMASTERS. 30

Each Province constituted an Education District.

6. Every Province now or hereafter to be constituted shall be and is hereby constituted a Division of the Colony for the purposes of this Act: And wherever in this Act the terms "Superintendent," "Education Board," or "Province" is employed, they shall respectively, unless there be something in the context inconsistent with or repugnant to such construction, be held to include the Chairman of the County Council of Westland, the County Council of Westland, and the County of Westland, as the case may be, in so far as relates to the County of Westland. 35 40

Wherever in this Act it is provided that a Superintendent of a Province is to do any act matter or thing with the advice of his Executive Council, the Chairman of the County of Westland shall do such act matter or thing with the consent of the County Council: And wherever in this Act it is provided that payments may be made out of moneys voted by the Provincial Council, then with reference to the County of Westland such payments may be made by 45

the authority of the County Council of Westland out of any moneys at its disposal, and which it may from time to time set apart for the purposes of this Act.

7. There shall be in and for every Province a Board, constituted Education Boards.
5 as hereinafter provided; and every such Board is hereinafter referred to as "the Education Board," or "the Board."

The Superintendent of each Province, and six other persons to be First Board.
appointed by such Superintendent, shall be the first Members of the Education Board for such Province. They shall hold office until the
10 end of the Session of the Provincial Council of such Province during which this Act comes into operation, or if such Council shall not then be in Session, then until the end of the Session of such Council which shall be held next after the coming into operation of this Act; and thereupon the Superintendent and the Member appointed by him,
15 and the Members elected in the manner hereinafter provided, shall form and be the Education Board of such Province.

8. The Superintendent of each Province for the time being, one Constitution of Boards.
person to be appointed by such Superintendent with the advice and consent of his Executive Council, who, except in the cases hereinafter
20 provided, shall hold office until the expiration or dissolution of the Council by which the elected members of the Board shall have been elected, and five other persons, being inhabitants of the Province to be elected by the Provincial Council of such Province during the Session of the said Council in which this Act shall
25 come into operation, or if such Council shall not then be in Session, then during the Session thereof which shall be held next after the coming into operation of this Act, and afterwards by each succeeding Provincial Council during the first Session thereof, shall constitute the Education Board of such Province.

30 The members from time to time elected by the Provincial Council shall, except in the cases hereinafter mentioned, continue to be members of the Board until the expiration or dissolution of the Council by which they shall be elected, and until the end of the Session of the Provincial Council held next after such dissolution or expiration,
35 and the election of their successors :

If any member of the Board shall by writing addressed to the Places of members of Board to be vacated in certain cases.
Superintendent resign his office of member of the Board, or die or become of unsound mind, or accept any office of profit under the Board, be adjudicated a bankrupt or insolvent, or execute any deed of composition or arrangement with his creditors, or be absent from the Colony
40 for six months at one time, or be convicted of treason felony perjury or any infamous crime, or become of unsound mind, he shall immediately cease to be a member of the Board. But no act of the Board shall be questioned on the ground that the seat of any member of the Board is
45 vacant, or that any supposed member thereof is incapable to be a member.

If the place of the member appointed by the Superintendent, with Vacancies, how to be filled.
the advice of his Executive Council, shall become vacant for any of the causes last aforesaid, or by reason of the expiration or dissolution
50 of the Provincial Council as aforesaid, the Superintendent with the like advice shall appoint a new member. If the place of any member elected by the Provincial Council shall become vacant, the place shall remain vacant until the Provincial Council in their next Session shall elect another qualified person to fill the vacancy.

55 Each Board shall be a body corporate under the name of "the Education Board of the Province of [*naming it*]," and by such name shall have perpetual succession and a common seal, and may take and hold land for the purposes of this Act, and may do and suffer all such acts and things as bodies corporate may do and suffer. Board incorporated.

The preceding part of this section and so much of the preceding

section as relates to the appointment of the first members of the Board shall not apply to the County of Westland, or the Chairman, or County Council of Westland.

County Council of Westland to be Education Board for Westland.

The County Council of Westland for the time being shall be the Education Board for the County of Westland, and wherever, with reference to the County of Westland, the terms "the Board," or "the Education Board," are used, the same shall mean the County Council of Westland sitting and acting as such Board. And the County Council may take and hold lands for the purposes of this Act, and do and suffer all such acts and things for the purposes of this Act as bodies corporate may do and suffer.

Property acquired under repealed Acts in whom to vest.

9. All property whatsoever, immediately before the coming into operation of this Act, vested in or under the control of the Superintendent of any Province for general educational purposes within such Province under or by virtue of any Provincial Ordinance or Act hereby repealed or otherwise, shall be vested in the Education Board of such Province constituted under this Act, to be held by it for the purposes of this Act within such Province.

All property immediately before the coming into operation of this Act vested in or under the control of the Education Board (under whatever name designated) of any Province constituted by any Provincial Ordinance or Act hereby repealed or otherwise, for general educational purposes, shall, on the coming into operation of this Act, be vested in the Education Board of such Province constituted under this Act, to be held by it for the purposes of this Act within such Province.

Moneys owing under repealed Acts, by and to whom to be paid.

All persons who immediately before the coming into operation of this Act owe or are liable or compellable to pay any money to the Education Board (under whatever name designated) of any Province constituted under any Provincial Ordinance or Act hereby repealed, or to the Superintendent of such Province, or to any other person on behalf of such Education Board, shall immediately on the coming into operation of this Act be deemed to owe and shall be liable and compellable to pay the same to the Education Board of such Province constituted under this Act.

Contracts entered into under repealed Acts by whom to be performed.

All moneys which, by reason of any contract entered into under the provisions of any Act or Ordinance hereby repealed, at or immediately before the coming into operation of this Act, were due or owing by or recoverable from the Education Board (under whatever name designated) of any Province constituted under any Provincial Ordinance or Act repealed hereby, or by the Superintendent of such Province, or by any other person on behalf of such Board, shall, on the coming into operation of this Act, be paid by or be recoverable from the Education Board of such Province constituted under this Act; and all contracts agreements covenants and securities before the coming into operation of this Act entered into or made under any Act or Ordinance hereby repealed, with or in favour of or by the Education Board (by whatever name designated) of any Province constituted by any such Provincial Ordinance or Act, or with or in favour of or by the Superintendent of such Province, which immediately before the coming into operation of this Act were in force, shall at the coming into operation of this Act take effect, and may be proceeded on and enforced as near as circumstances will admit in favour of by and against and with reference to the Board of such Province constituted under this Act.

All property hereafter acquired by the Education Board of any Province constituted by this Act shall from time to time become and be vested in the Superintendent of the Province in and for which such Board is constituted, and his successors in office, to be held in trust as aforesaid.

207

10. Every Board may from time to time appoint and remove a Secretary, who shall receive such salary as the Board shall deem proper, out of such moneys as shall from time to time be voted by the Provincial Council of the Province for which the Board is acting, either specially for such purpose or generally for the purposes of this Act within such Province; and any person who at the time of the coming into operation of this Act holds the office of Secretary to an Education Board in any Province under the provisions of any Ordinance or Act hereby repealed or otherwise, shall, subject to removal as aforesaid, and to any express provision of this Act, be and continue to be and shall hold the office of Secretary to the Board of such Province.

Secretary of Board.

11. The Secretary to each Board shall attend all meetings of such Board, take minutes of its proceedings, and enter such minutes in a book to be provided for that purpose, and conduct the correspondence of the Board, and take charge of and preserve all letters papers and documents relating to the business of the Board, and perform all such duties as may be required by the Board for carrying out the provisions of this Act; and he shall also prepare, under direction of the Board, all reports returns and information relating to school matters which may be asked for by the Minister.

Duties of Secretary.

12. Every Board shall hold two general meetings for the purposes of this Act, one on the third Tuesday in the month of January, and the other on the third Tuesday in the month of July, in every year, and such meeting shall be convened by fourteen days' previous notice, to be published in such manner as the Board shall direct; and it shall be competent for the Chairman or Secretary to the Board, whenever he shall see occasion or shall be requested by the Chairman or any two members of the Board, to call a special meeting of the Board, and every such meeting shall be convened by circular and by seven days' previous notice to be published in one or more newspapers: and a quorum of the Board having duly met, may from time to time adjourn, to meet at such other time and place as they shall appoint; and all meetings of every Board, and all adjournments thereof, shall be open to the public.

General meetings of Board.

The first meeting of the Board of each Province shall be at such time and place as the Superintendent of such Province shall appoint. The place of meeting of the Board of each Province after the first meeting shall be such place as shall be from time to time appointed by such Board.

First meeting.

Place of meeting.

13. The powers given to Boards by this Act shall be exercised at meetings convened as aforesaid, at which meetings three members shall be a quorum, and the Superintendent when present shall be *ex officio* Chairman of such meetings, and in his absence the members present shall elect one of their number to be Chairman, and on every question before the Board the decision of the majority shall be final and conclusive, but in case the votes shall be equal the Chairman having a deliberative vote shall also have a casting vote; and no resolution or decision come to at any meeting of a Board shall be revoked or altered at any subsequent meeting of such Board within twelve months from the passing thereof, unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting of the Board, and shall have been made known by the circular convening the meeting addressed to each member of the Board at his usual or last known place of abode.

Conduct of proceedings of Board.

14. Minutes of the proceedings of every Board shall be regularly entered in a book to be kept for that purpose, and at every meeting of the Board the minutes of the preceding meeting shall be read over and signed by the Chairman of the meeting at which the same shall be read, and the minutes when so signed shall for all purposes be held to be a true statement and record of the proceedings of the Board.

Minutes of proceedings to be kept.

The rough draft of minutes of all proceedings at any meeting of

the Board shall be read over by the Secretary before the conclusion of every such meeting, and shall then be signed by the Chairman.

Moneys to be paid
into Bank.

15. All moneys raised under this Act by any Board, and all moneys received by any Board applicable to the purposes of this Act, shall be paid immediately after the receipt thereof into the Bank at which the Provincial Account of the Province for which such Board is constituted, is for the time being kept, of shall be there kept at a separate account to be called "The Education Fund of the Province of [naming it]," and shall not be drawn out except in manner prescribed by a standing order of such Board to be from time to time passed for the purpose. In the case of the County of Westland such moneys shall be kept at the Bank where the County of Westland account is kept. 5

Powers and duties of
Board.

16. The Board of each Province shall exercise a general supervision over all the schools which have already been established under the provisions of any Provincial Ordinance or Act hereby repealed within such Province, and over all schools which shall be established by the Board under the provisions of this Act; and it shall promote the establishment of School Districts within such Province, and define the limits thereof, and shall have power to alter such limits and also the limits of any School Districts hereafter formed as they shall see fit, and to divide any such School District into two or more School Districts or parts of districts, or to combine two or more School Districts or parts of such districts into one. 15

Establishment of
School Districts.

And when any School District shall be divided into two or more such districts, or two or more such districts or parts of districts shall be combined into one district, then every such division of a School District and every such combination shall for the purposes of this Act be deemed a new School District, and shall proceed in like manner as hereinafter provided for School Districts originally constituted. 20

No new School District shall be constituted by the division or combination of any existing School District or Districts during the currency of any school year, which shall be for the purposes of this Act from the first day of January to the thirty-first day of December, both days inclusive, in each year. 25

Notice of School Dis-
tricts established to
be gazetted.

17. As soon as conveniently may be after the coming into operation of this Act, the Board of each Province shall cause a list to be made out of all the School Districts previously established in the Province under any Provincial Ordinance or Act hereby repealed and existing immediately before the coming into operation of this Act, and of any such new School Districts which they deem it expedient to form, whether upon or without any memorial from the inhabitants, and shall direct a notice to be published in the Provincial Government Gazette of the Province in or for which such Board is constituted, and also in the *New Zealand Gazette*, containing a list of all such School Districts, with a description of the boundaries thereof, respectively: 30

Existing Districts.

Provided nevertheless that until the publication of such notice as aforesaid, and no longer, all Educational Districts and all School Districts constituted under the provisions of any Ordinance or Act hereby repealed, shall be held to be School Districts for the purposes of this Act, and the persons in office at the time of the coming into operation of this Act as School Committees of any such Districts last aforesaid, shall continue in office until their successors are elected under this Act. 40

New Districts.

Whenever any new School District shall be formed by a Board pursuant to the provisions of this Act, the Board shall direct a notice of the formation of such new district and of the boundaries thereof to be published in the Provincial Government *Gazette* of the Province in which the said School District is situated, and in the *New Zealand Gazette*; and every School District shall be held to be bounded as described in any such notice. 45

The Board shall in dividing a School District or including a part of a School District within a new District, have due regard to the interests of any new School Districts in the school buildings furniture and other effects of the original district ; and in any case in which such buildings furniture and effects shall have been wholly or partly provided by and out of a local rate or rates the Board shall, if it see fit, order the ratepayers in that division of the School District which shall retain the schoolhouse furniture and other effects to pay to the new School District an equitable equivalent to such interest, and such order shall be a first charge on the local rates (if any) of the School District against which it is made.

APPOINTMENT OF SCHOOLMASTERS.

18. The Board of each Province shall be entitled to appoint a teacher for every school under its control, but no person shall be eligible for appointment who does not produce a certificate of competency from the Minister of Education, and such other certificates of fitness as shall be required by any regulations that may hereafter be made under the provisions of this Act : Provided nevertheless that in case a certificated teacher cannot be obtained for any school or schools, a person not duly certificated may, by leave of a Government Inspector of Schools, be temporarily appointed until a certificated teacher can be obtained.

Board to appoint teachers.

In the selection of a teacher, great weight shall be attached by the Board to the recommendation of the School Committee of the School District in which such school is.

19. All teachers of schools at or immediately before the coming into operation of this Act holding office under the provisions of any Ordinance or Act hereby repealed shall, subject to any express provisions of this Act, continue to hold such office as if this Act had not come into operation ; and all contracts and agreements made with the teacher or teachers of any such schools by or on behalf of any Education Board or School Committee under the provisions of any Ordinance or Act hereby repealed shall be equally binding upon the Board or School Committee, under this Act, of the Province or School District as the case may be in which such school is situated.

Teachers appointed under repealed Acts continued in office.

20. And whereas it is expedient that the position and rights of school teachers should be defined : it is hereby provided that no school teacher appointed or whose appointment is confirmed under this Act shall be at liberty to relinquish his said engagement without giving to the Clerk of the School Committee and also to the Secretary of the Board under which he holds his appointment at least one month's notice in writing of his intention to do so ; and such engagement shall not be determined by any Board except on giving three months' notice signed by its Secretary.

Duration of appointments of school teachers.

The teacher's occupation of the schoolhouse and land attached thereto, or teacher's house if one be provided, is hereby declared to be an occupancy by sufferance only : Provided always that nothing herein contained shall preclude or prevent the School Committee from suspending and the Board from peremptorily dismissing any school teacher for immoral conduct or gross misbehaviour.

PART III.

SCHOOL DISTRICTS. SCHOOL COMMITTEES AND THEIR DUTIES. ASSISTANT AND PUPIL TEACHERS.

21. Upon the memorial of not less than five of the inhabitants of any locality, whether wholly or partly within any School District for the time being existing or not, praying for the erection of such locality into a School District, or upon the report of a Government Inspector of Schools, the Board of the Province within which such locality is shall forthwith ascertain fully all the circumstances of the case ; and if

Inhabitants of a district may memorialize for constitution of such into a School District.

Meeting of inhabitants may be called.

it shall appear to the Board that there exists in such locality a necessity for provision being made for public education therein, the Board may call by advertisement a public meeting of the occupiers of land and householders in such locality, whether male or female, being persons of twenty-one years of age and upwards, and it shall be the duty of the said meeting to appoint a Chairman and elect a School Committee as hereinafter provided; and the meeting shall likewise consider the boundaries of the proposed School District and report the same to the Board, which may at its discretion fix the boundaries of the School District, and cause the same to be proclaimed a School District in manner provided by the seventeenth section of this Act. 5 10

Proceedings at such meeting. Election of School Committee.

22. At any such meeting of the occupiers of land and householders as aforesaid in any such locality, the persons there present shall thereupon elect by a majority of votes, taken either by a show of hands or by ballot as shall be determined upon by the said meeting, not less than five nor more than nine occupiers of land or householders as aforesaid in the locality, of whom a majority shall be parents of children residing in the locality under sixteen years of age, and the persons so elected shall be called the "School Committee," and shall hold office until the election of their successors in manner hereinafter mentioned. 15 20

Annual election of School Committee.

23. On the fourth Monday in the month of January in each year, a public meeting of the occupiers of land and householders in every School District, whether male or female, being persons of twenty-one years of age and upwards, shall be held at a time and place to be fixed by the Secretary to the Board of the Province in which such District is, and notified by public advertisement at least one month previously, and in such manner as such Board shall direct, and at such meeting a Chairman shall be chosen, and the School Committee for the preceding year shall give a full report of their proceedings, and thereupon the electors present shall proceed to elect, either by show of hands or by ballot as shall be determined upon by the said meeting, a new School Committee for the then current year of not less than five nor more than nine persons qualified as prescribed by the twenty-second section of this Act, and may re-elect all or any of the persons going out of office to be members of such new School Committee; and every School Committee so appointed shall hold office until the appointment of their successors, and if any vacancy shall occur by death or otherwise than by effluxion of time in any School Committee, the remaining members of the Committee, whether a quorum or not, shall be entitled and it shall be their duty to elect a qualified person to fill such vacancy; and at every meeting convened and held for the election of a School Committee, the Chairman having a deliberative vote shall also have a casting vote. 25 30 35 40

Meeting in 1872 for election of School Committee.

The meeting in the year one thousand eight hundred and seventy-two of the occupiers of land and householders for the election of a School Committee in every School District established under any Act or Ordinance hereby repealed, and existing immediately before the coming into operation of this Act, and in every School District specified in any notice published under the seventeenth section of this Act shall be held on such day as the Board of the Province in which such Districts respectively are shall for each district appoint. 45 50

Disqualification of members of School Committee.

24. No bankrupt or insolvent who has not obtained his final order of discharge, no person attainted of treason or convicted of felony or perjury or any infamous crime, no person of unsound mind, and no person not qualified as herein required, shall be capable of being or continuing a member of any School Committee. 55

Question arising as to validity of election to be decided by Board of Education.

25. If any dispute shall arise respecting the validity of the proceedings at the annual or other election of any member or members of any School Committee, the matter in dispute shall be submitted to the judgment of the Board of the Province, whose decision thereon 60

shall be final and conclusive; and if in any case the electors in any School District shall, from any cause whatever, fail to elect a School Committee upon the annual day of meeting as hereinbefore provided, it shall be lawful for the Board of the Province in which such District is, if it shall see fit, to fix another day for the election of a School Committee for such district, and the same notice of such meeting shall be given and the same proceedings taken thereat as are prescribed by the preceding sections of this Act.

26. If the qualified electors in any School District shall refuse or neglect to elect a School Committee, or if the School Committee elected shall fail or refuse to perform any of the duties by this Act imposed upon them it shall be lawful for the Board of the Province within which such School District is situated, upon such failure or refusal being reported to them by a Government Inspector of Schools, and after full inquiry into all the circumstances of the case to nominate and appoint, if they shall see fit, a Commissioner or Commissioners to exercise all the powers and to perform all the duties by this Act committed to or imposed upon such School Committee, and it shall be lawful for the Commissioner or Commissioners so appointed to exercise all powers and duties by this Act imposed and conferred on Committees of School Districts at any time after he or they shall have assumed the place and duties of the School Committee as aforesaid, and a salary to be paid to the Commissioner or Commissioners shall be fixed by the Board if it shall see fit, and shall be paid out of a District rate levied in manner provided hereinafter in the School District for or to which such Commissioner or Commissioners are appointed: Provided that such Commissioner or Commissioners shall only hold office from the date of appointment to the fourth Monday in the month of January next ensuing.

If School Committee not elected, Board may appoint Commissioners.

27. The School Committee of each District shall hold its first meeting after election at some time and place to be from time to time appointed by the Board of the Province within which such District is, and it shall at its first meeting elect, by a majority of the votes of the members present thereat, one of their body to be Chairman until the next election of the School Committee, and such Chairman shall preside at all meetings of the Committee at which he shall be present; and if such Chairman cease to be a member of the Committee, he shall cease to be such Chairman. And in case the Chairman die, or by writing under his hand delivered to the Committee at any meeting thereof resign his office, or cease to be a member of the Committee, the members present at the meeting next after the occurrence of such vacancy, or at any meeting before there shall as yet have been a Chairman chosen, shall elect some one of their number to be a Chairman, and the Chairman so elected shall continue in office for the remainder of the year; and if at any meeting of the Committee the Chairman be not present, one of the members present shall be elected Chairman of such meeting by the majority of the votes of the members present thereat.

Chairman of School Committee.

28. The proceedings of every School Committee shall be transacted at meetings to be convened at the request of two or more of the members, or by order of the Chairman thereof, at which meetings three members shall form a quorum, and the Chairman having a deliberative shall also have a casting vote at every such meeting, and the decision of the majority shall be final and conclusive: And every School Committee shall be at liberty to appoint one of their own members or other qualified person to be their Clerk and Treasurer, who shall convene all meetings of the Committee by causing at least three days' previous notice to be given to each member thereof, and shall attend such meetings of the said Committee and take minutes of their proceedings, and do whatever may be required of him in the

Proceedings of School Committee.

execution of this Act; and such Clerk and Treasurer shall receive such remuneration for his services and give such security for the due performance of his duties as shall be agreed upon and required by the said Committee, and the accounts of such Treasurer shall be rendered to and audited annually by every such School Committee previous to their retirement from office, and all moneys in hand (if any) shall be paid over by such Committee to their successors: A copy of such accounts shall be forwarded to the Board of the Province within which is the District to which such accounts pertain as soon as conveniently may be after the same have been audited, together with the Auditor's report thereon. 5

Minutes to be kept.

29. At every meeting of a School Committee the same proceedings shall be taken with regard to the minutes of such meeting as are prescribed by section fourteen of this Act with regard to the minutes of meetings of Boards, and no business involving the appointment or suspension of a teacher, any new expense or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the Board, shall be transacted unless notice in writing to the effect that such business is proposed to be transacted has been addressed to every member of the Committee three days at least before the meeting at his usual or last known place of abode. 15

School Committee may be represented in legal proceedings by Chairman or Clerk.
District Schools.

30. A School Committee may appear in all legal proceedings by their Clerk or by the Chairman.

31. In every School District it shall be lawful for the School Committee, with the express sanction previously obtained of the Board of the Province in which such School District is situated, to establish one or more elementary schools, and such Board shall in each case determine as to the kind and grade of the school to be established, as may seem to it to be warranted by the extent and population of the district and other circumstances. 25

Subject to the general supervision and control of the Board and the Minister, and to inspection by a Government Inspector of Schools as herein provided, the School Committee of every School District shall have the entire management of educational matters within the district, and shall have power to fix and determine the salary of the teacher or teachers. 30

The salaries of school teachers shall not be less than the minimum rates fixed and determined from time to time by the Board of the Province within which the school is. 35

In no case shall any reduction be made in a teacher's salary, once fixed by a minute of the School Committee or by agreement in writing with such teacher, without the sanction of the Board previously obtained; and a teacher's salary shall be taken to mean the total income derived by such teacher from the school exclusive of any sum or sums awarded to such teacher by the Minister out of the Parliamentary Grant herein provided. 40

School Committee may provide buildings, &c.

32. Every School Committee may, with the sanction of the Board of the Province within which the School District is previously obtained, provide by building or otherwise schoolhouses, and may improve enlarge and fit up any such schoolhouses, and supply school apparatus and everything necessary for the efficiency of the schools provided by them; and such proportion of the cost of providing fitting up improving and keeping in repair such schoolhouses as may be prescribed by such Board shall be defrayed by the School Committee by and out of school fees donations subscriptions or other moneys at their disposal, and if necessary by and out of rates to be made and levied within the School District in manner hereinafter provided; and the remainder (if any) of such cost shall be defrayed by the Board of the Province within which the school is situated 45

by and out of any moneys at their disposal; and the term "school-house" shall be held to include schoolmaster's residence outbuildings and apparatus and appliances for instruction in gymnastics and for physical training.

5 **33.** It shall be lawful for the Board of any Province to contribute towards the salaries of the teachers of schools under its control, and towards the ordinary current expenditure of such schools, such sums as to it may seem warranted under the circumstances, and the remainder of such salaries and expenses shall be paid by the School Committees respectively out of school fees donations subscriptions and other available funds.

Board may contribute to payment of teachers' salaries, &c., the School Committee to provide the balance.

34. It shall be lawful for the School Committee of any district, with the express sanction of the Board of the Province within which the School District is previously obtained, to appoint one or more schoolmistresses, teachers of sewing, and assistant teachers in any school, where the number of pupils in ordinary attendance is such as to render such appointments necessary; and whenever a schoolmistress, a teacher of sewing, or an assistant teacher shall be required in any such school, and shall be sanctioned as aforesaid, the appointment of such schoolmistress or teacher or assistant teacher shall be made by the School Committee of the said school, subject to the approval of the head teacher of the school, and subject also to the conditions prescribed in the thirty-first section of this Act.

School Committee may appoint schoolmistresses and teachers of sewing.

35. On the application of the School Committee of any School District, the Board of the Province may purchase lease or acquire a suitable site or sites for a schoolhouse, schoolmaster's residence and glebe, and school playground; and the Board, if it shall so think fit, shall require that the whole or any portion of the cost of such purchase shall be defrayed by the School Committee by and out of donations subscriptions or other moneys at their disposal, or by and out of rates to be made and levied within the School District in manner hereinafter provided.

Board may acquire lands and buildings at request of School Committee.

36. The Board of any Province may authorize the master of any well attended and efficiently conducted grammar or elementary school subject to its control within such Province to engage and employ in his school any number of apprentice pupil-teachers the said Board may deem expedient, and subject to the sanction of the Minister may make and from time to time alter and amend rules and regulations for the examination training employment and payment of such pupil-teachers.

Pupil-teachers.

PART IV.

GRAMMAR, MODEL, AND HIGH SCHOOLS. LIBRARIES. SCHOLARSHIPS, ETC. FREE SCHOOLS.

37. Any Board, on receiving an application in writing from the School Committee of any School District subject to its control, may, with the express sanction of the Minister previously obtained, convert any elementary school in such Province into and establish the same as a grammar school; but, except in the case of schools within the County of Westland, no such application shall be granted unless the said application shall have been authorized to be made by a resolution of the Provincial Council of the Province within which such school is situated; and every superior school or grammar school at or imme-

Common schools may be converted into grammar schools.

diately before the coming into operation of this Act under the charge of any School Committee or Education Board, by virtue of the provisions of any Provincial Ordinance or Act hereby repealed, shall be deemed to be a grammar school under this Act.

Grammar schools,
how to be conducted.

38. Every such grammar 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 the higher branches of education, but instruction in elementary education shall be given in one or more departments of every such grammar school. 5

Model schools.

39. Any Board may, with the express sanction of the Minister previously obtained, and with the consent of the School Committee, make use of any efficiently conducted elementary or grammar school as a Model School, or may establish and maintain a Model School, subject to such regulations and rules as may be made by the Governor in Council under this Act. 10

High schools.

40. The Board of any Province may, with the express sanction of the Minister previously obtained, maintain in any populous town or city of such Province a High School, under a Rector or Head Master, and such number of duly qualified masters and assistants as the Board shall from time to time consider necessary, in which 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 and moneys appropriated by the Provincial Council of the Province in which the school is for that purpose, and any other available funds. 20

Girls' schools.

41. The Board of any Province may, with the express sanction of the Minister previously obtained, maintain in any populous town or city of such 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 shall from time to time consider necessary; and the said Girls' 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 and moneys appropriated by the Provincial Council of the Province in which the school is for that purpose, and any other available funds. 25

Trustees of schools
may relinquish trust
to Board.

42. Any persons having the management and control of any school not established under any of the Acts or Ordinances repealed hereby, may, with the consent of the persons in whom the school buildings lands and endowments pertaining thereto are vested and with the assent of the Governor, agree with the Board of the Province in which such school is, that the said school shall be subject to the management and control of the Board, and that the said buildings lands and endowments shall be vested in such Board instead of such persons as aforesaid; and if the Governor assent to such agreement, and a notification of such assent be published in the *New Zealand Gazette*, the said school buildings lands and endowments shall be vested in the said Board, for or towards the maintenance of such school as a school under this Act, of such character or class, whether district grammar or high school, or otherwise as the Governor shall direct, but under and subject to the provisions of this Act, and the said persons shall thenceforth be freed and discharged from the trust imposed on them as trustees or governors of such school and the buildings lands and endowments pertaining thereto. 30

Libraries in School
Districts.

43. And whereas it is expedient that encouragement should be 35

given to the formation of school libraries in the various School Districts, the Board of any Province, out of any funds specially appropriated for the purpose by the Provincial Council of the Province in which any School District is, or out of any funds otherwise made applicable for the purpose, may from time to time expend in the purchase of books to be placed in any such library any sum or sums of money equal to any sum or sums of money which shall have been raised by public subscription or otherwise within any such School District: And the Board shall make such provision as to them may seem fit for the safe custody and care of such books and for the use thereof by the scholars; and the word "book" in this clause shall be deemed to include all works of art and all scientific apparatus which may be required for the purpose of illustration in lectures, and all specimens of natural history for the formation of museums.

44. The Board of any Province may out of any funds specially appropriated for the purpose by the Provincial Council of such Province, or otherwise made applicable to the purpose, from time to time grant any sum in aid of reading clubs or libraries connected with any Teachers' Association or Associations that may be formed by the Public School teachers in such Province, such sum not exceeding in amount the sum contributed by the members of any such Association.

Libraries for Teachers' Association.

45. The Board of any Province may, out of funds specially appropriated for the purpose by the Provincial Council of the Province or otherwise made specially applicable to the purpose, from time to time establish exhibitions or scholarships to be held at any grammar or high school within the Province, or at any College or University in New Zealand: Provided that such exhibitions and scholarships shall be open to the scholars of any school and to children educated privately within such Province, and shall be submitted to public competition in such manner and under such regulations as may be prescribed by the Governor in Council: And provided also that when any scholarships or exhibitions are founded and endowed by associations or private persons, such scholarships or exhibitions shall be awarded as far as practicable in accordance with the express wishes of the founders.

Exhibitions, scholarships, &c.

46. If a Board shall be of opinion that on the ground of the poverty of the inhabitants of any place in their Province or on other grounds it is expedient for the interests of education to provide a school at which no fees shall be required from the scholars, the Board may, subject to such rules and conditions as the Governor in Council may prescribe provide such school, and may from funds at their disposal admit scholars to such school without requiring any fee, and any such school may be directly under the control of the Board or the School Committee of the district in which it is situated as the Board may determine.

Free Schools.

PART V.

SCHOOL FEES TO BE PAID AND HOW TO BE COLLECTED: EXEMPTIONS.

47. Every child attending a school established and maintained by any School Committee under the provisions of this Act, other than a free school established under the provisions of the preceding part of this Act shall pay such weekly monthly or quarterly school fee as may be prescribed by the School Committee, with the consent of the Board of the Province, or by the Board in cases where the school is not subject to the control of a School Committee; but the School Committee may from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child when they are of opinion that the parent or guardian of such child is unable from poverty or other cause to pay the same:

Fees to be paid in other schools, except in certain cases.

Exemptions by School Committee.

60 The Board of any Province may if they think fit, from time to time, for a renewable period, not exceeding six months, pay the whole or any part of the school fees payable at any school being a

Board may pay for child in certain cases.

public school within the meaning of this Act, whether it be a Provincial school or an aided school, by any child resident in such Province whose parent or guardian is in their opinion unable, from poverty or other sufficient cause, to pay the same; but no such payment shall be made or refused on condition of the child attending any school other than such as may be selected by the parent or guardian. 5

Teacher or Treasurer to collect school fees.

48. It shall be lawful for any school teacher, by authority of the School Committee, or for the Treasurer appointed by the Committee, or for any other person duly authorized by the Committee in that behalf, to ask demand receive sue for and recover from the parents or guardians of the children attending the school, such school fees or charges as shall be authorized by the School Committee to be charged as aforesaid, and the school fees, if collected by the teacher, shall be paid over to the Committee or accounted for by the teacher to the satisfaction of the Committee. Where the school is not subject to the control of a School Committee, the school fees shall be collected received and recovered by and in the name of such person as the Board of the Province in which the school is may as to each school from time to time direct. 15

Fees, when collected, to be paid to School Committee.

PART VI. 20

FUNDS AND THE APPLICATION THEREOF AT DISPOSAL OF THE GOVERNOR AND BOARDS RESPECTIVELY: AIDED PUBLIC SCHOOLS.

Purposes on which Board may expend funds.

49. Every Board shall, by and out of moneys at its disposal, make such provision from time to time as to it shall seem fit for the following purposes, namely,— 25

- (1.) For the payment of salaries and other expenses connected with the carrying on of the business of such Board.
- (2.) For the expense of purchasing or renting school sites playgrounds and buildings, or for erecting fitting up and improving school buildings. 30
- (3.) For the payment of teachers' salaries.
- (4.) For the maintenance and education of pupil-teachers.
- (5.) Towards the establishment and support of a Model School (if any).
- (6.) For the maintenance of free schools, and the payment of school fees for poor scholars. 35
- (7.) For the establishment of scholarships.
- (8.) For subsidizing school libraries.
- (9.) For aiding schools being public schools within the meaning of this Act other than Provincial schools. 40
- (10.) And generally, for the payment of all expenses necessarily incurred by such Board or any School Committee under their supervision in the carrying out of any of the provisions of this Act.

Provided always that no Board shall be liable for the payment of any expenditure incurred by any School Committee or teacher, unless such expenditure shall have been previously sanctioned by such Board. 45

Governor empowered to make advances to School Committees and Boards for providing school buildings.

50. The Governor may advance to any School Committee, on the security of an assignment of the District School rate of the district, out of any sums specifically appropriated by the General Assembly for the purpose, any sum or sums of money he may think fit for the purpose of defraying the proportion of the cost of providing school buildings which by this Act is to be provided by such Committee; and the Governor may advance to any Board, out of any sums specifically appropriated by the General Assembly for the purpose, any sum or sums he may think fit, and on such security terms and conditions as he may think fit, for the purpose of defraying the cost of providing any school buildings which by this Act is to be defrayed by such Board, and the Governor may also empower School Committees to borrow money on security of an assignment of the District School rates of the district, and also may empower Boards to borrow money on security of an assignment of 60

the Provincial school rates, and in either case may fix the term for which such loan may be made not exceeding in any case three years.

51. The Governor may, in accordance with regulations under this Act, grant out of any moneys from time to time appropriated for the purpose, either specially or generally for the purposes of this Act, by the General Assembly, any sum or sums of money for the following purposes, namely,—

Purposes to which Governor may apply appropriations by the General Assembly.

- (1.) For the payment of salaries and other expenses of the Department of Education.
- (2.) For the establishment and maintenance of a Colonial Normal or Training College.
- (3.) In augmentation of the salaries of public school teachers, whether they be teachers in Provincial or Aided schools.
- (4.) For the establishment and maintenance of special scholarships, available at such Colleges or Universities within the Colony as the Minister may approve, to be competed for by pupil-teachers and other teachers certified by a Government Inspector of Schools as especially successful or meritorious.
- (5.) For loans or advances to Boards or School Committees for the erection of school buildings as hereinbefore provided, and for any other purposes to which such moneys are expressly authorized to be applied by this Act.

Provided always that grants towards the augmentation of teachers' salaries shall be by capitation grants on the average attendance and on the number of scholars certified by a Government Inspector of Schools to have been effectively taught, and shall not in the case of any teacher exceed one-third of the amount of the payment made to such teacher on account of salary by the Board, the School Committee, or the School Managers; and provided also that no grant shall be made to any school in respect of any instruction in religious subjects.

52. It shall be lawful for the Board of any Province at its discretion to grant any sum or sums of money in aid of the efforts made by private individuals or associations for the promotion of education in localities within such Province in which from the smallness or scattered position or the unsettled nature of the population or from other causes no School District shall have been proclaimed: Provided that in the case of a school so aided it be a public school within the meaning of this Act; and provided also that, where aid is so granted, a teacher may be engaged and required to teach from house to house or in two or more localities during the year.

Aided schools in districts not within School Districts.

53. It shall be lawful for the Board of any Province at its discretion to grant any sum or sums in aid of the efforts of private individuals or associations for the maintenance of schools within School Districts within such Province, and such schools are hereinafter referred to as "Aided Schools:" Provided every school so aided be a public school within the meaning of this Act.

Aided schools within School Districts.

54. If the Minister shall at any time be satisfied that the Board of any Province in any case shall without reasonable cause have refused aid to any such school as by the two preceding sections the Board is empowered to aid and the managers of which shall have complied or be ready to comply with the provisions of this Act, it shall be lawful for the Minister to give such pecuniary aid as he may think fit to such school and the amount so given from time to time shall be charged by the Colonial Treasurer against the capitation money of the said Province as hereinafter provided in the case of insufficient school accommodation.

Minister may grant aid to a public school when refused by Board without reasonable cause.

PART VII.

WHAT SCHOOLS TO BE DEEMED PUBLIC SCHOOLS FOR THE PURPOSES OF THE ACT. PROVINCIAL SCHOOLS. INSPECTION OF SCHOOLS.

55. Any school shall be a public school within the meaning of this Act which shall be conducted in accordance with the following

What schools to be deemed Public Schools.

regulations (a copy of which regulations shall be conspicuously put up in every such school), namely :—

- (1.) It shall not be required as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere from which observance or instruction he may be withdrawn by his parent or guardian, or that he shall if withdrawn by his parent or guardian attend the school on any day exclusively set apart for religious observance by the religious body to which his parent or guardian belongs. 5
- (2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school, shall be either at the end or at the beginning, or at the end and beginning of such meeting, and shall be inserted in a time table to be approved by the Minister, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent or guardian from such observance or instruction without forfeiting any of the other benefits of the school. 10
- (3.) The school shall be kept open on each school day for at least four hours two of which in the forenoon and two in the afternoon shall be consecutive and devoted to secular instruction alone, but the Minister may under special circumstances authorize a shorter period than four hours daily during which a school shall be open for secular instruction alone. 25
- (4.) The school shall be open at all times to the inspection of a Government Inspector of Schools, so however that it shall be no part of the duties of such Inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book. 30

Provincial schools.

56. Every school established and maintained by or subject to the control of a Board or School Committee shall be a Provincial School within the meaning of this Act, and shall be conducted in accordance with the following regulations, namely :—

- (1.) The school shall be conducted as and be a public school within the meaning of this Act. 40
- (2.) The Holy Scriptures shall be read daily, subject to the conditions prescribed by regulation two, in section fifty-five of this Act; but no religious catechism or religious formulary which is distinctive of any particular denomination or sect shall be taught in the school. 45
- (3.) The Board and the School Committee shall permit the school building to be used for the religious instruction of children on Sundays, and on week days outside of the hours set apart for the usual school instruction, at such times or alternate times as shall afford to the scholars of different denominations equal opportunities for receiving such instruction, upon the person or persons so obtaining the use of the school building, giving to the Committee a sufficient guarantee that due care shall be taken of the school building and furniture, and for the payment of any expenses rendered necessary by such use. 50
- (4.) The parent or guardian of any child attending the school, or any ratepayer subscriber or donor, shall be entitled to visit the school at any time on obtaining an order from a member of the Board or the School Committee. 55

56. In such of the schools whether Provincial or aided subject to the provisions of this Act as the Minister shall from time to time direct, provision shall be made for physical training and instruction in military drill:

Physical training and drill.

5 The training and drill shall be such, and be conducted and taught in such manner as shall from time to time be prescribed in regulations to be made by the Governor in Council.

10 The costs and expenses of such physical training and drill shall as to each school be defrayed out of such moneys as shall from time to time be appropriated for this purpose by the Provincial Council of the Province in which the school is.

INSPECTION OF SCHOOLS.

15 **57.** Where the teacher or managers of any aided school desire (in addition to the ordinary inspection by a Government Inspector of Schools) to have their school inspected or the scholars therein examined, as well in respect of religious as of other subjects, by an Inspector or other person or persons other than one of the Government Inspectors of Schools, such teacher or managers may fix a day or days not exceeding 20 two in any one year for such inspection or examination, and shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of such day to be conspicuously affixed in the school, and on any 25 such day any religious observance may be practised and any instruction in religious subjects given at any time during the meeting of the school; but any scholar who has been withdrawn by his parent from any religious observance or instruction in religious subjects shall not be required to attend the school on any such day; and the term 30 "managers" in this Act shall be held to mean and include all persons who have the control and management of any aided school, whether the legal interest in the schoolhouse is or is not vested in them.

Inspection of schools.

35 **58.** The Governor may from time to time cause inspection to be made by a Government Inspector of Schools of all Provincial, Aided or other schools and of the educational department of any industrial school, benevolent institution, reformatory, gaol, hospital or other public institution maintained wholly or in part by a grant or grants from the public revenue, either Colonial or Provincial, or by endowments derived from a grant or grants of lands made at any time by the Governor or otherwise.

Governor may direct inspection of schools, &c.

40 PART VIII.

COMPULSORY EDUCATION: EXEMPTIONS.

45 **59.** Subject to the provisions of this Act, the parent or guardian of every child not less than seven nor more than twelve years of age shall, in case such child lives within the distance of two miles measured according to the nearest road from a Provincial Aided or other public school within a School District send such child to school.

What children compellable to attend school.

50 **60.** The parent or guardian of any child may apply for and receive a certificate from the School Committee in the district in which such child resides if it resides within a School District if not from the Committee of the adjoining district in which is the Provincial, Aided or other public school nearest to the residence of such child exempting such child from attendance in whole or in part at school, upon satisfying the School Committee aforesaid or a Justice of the Peace of the existence of any one of the following grounds, namely:—

Exemptions.

- 55 (1.) That the child is under efficient instruction otherwise.
 (2.) That the child is prevented from attending school by sickness or other unavoidable cause.

- (3.) That the road between the child's residence and the school is not sufficiently passable for such child.
- (4.) That one of the Government Inspectors of Schools, or the master of any public school, has by writing under his hand certified that such child has reached a standard of education prescribed by any regulations under this Act. 5

And every such certificate of exemption shall state the ground of exemption, and shall be in force for a period of one year or for a shorter period as may be named in such certificate, and during the period named in such certificate the holder thereof shall be freed from the operation of the provisions of this Act in respect of the child named therein. 10

If child not sent to school, notice to be served on parents.

61. In case any School Committee ascertains that any child between the ages of seven and twelve years, and resident within the distance of two miles from a Provincial Aided or other public school within its district does not attend school, any member of such Committee may give the parent of such child notice in writing, in the form or to the effect in the second Schedule hereto, calling upon such parent to send such child to school. 15

If child not sent, parent may be summoned before Justices and ordered to send child to school.

62. If the parent of any child between the ages of seven and twelve resident within two miles from a Provincial Aided or other public school, not holding a certificate of exemption as aforesaid in respect of such child, refuses or neglects to send such child to a public school, after having been called upon in manner aforesaid to do so, then and in every such case the parent or guardian of such child may be summoned before any two Justices of the Peace, who may order such parent to send such child to a public school, and may determine whether such child shall be admitted free of charge, or what sum per week month or quarter, not exceeding the rate usually charged in such school, shall be paid by such parent or guardian to the School Committee, managers, or master of such school, for the education of such child. 20 25 30

If not sent after order, liable to penalty.

63. In case any parent or guardian, after having been ordered as aforesaid by any two Justices of the Peace to send any child to a public school, neglects to obey such order, or having obeyed the same for a time without sufficient cause ceases to do so, such parent or guardian shall, on summary conviction before any two or more Justices of the Peace be liable to a penalty not exceeding forty shillings, to be enforced by distress only, and not by imprisonment, and the same proceedings may be taken week by week in the case of failure by such parent to comply with the order aforesaid. 35 40

Children ordered to be sent to aided or Provincial school not to be refused admission on account of refusal or neglect to pay fees.

64. No child shall be refused admission to any Provincial or Aided school when ordered by any two Justices as aforesaid on account of the neglect or refusal of the parent or guardian of such child to pay the fees due to the School Committee, managers, or teacher of such school for the education of such child; but all fees so due may be recovered in a summary way before any Justice of the Peace in the name of "The School Committee of the District," or "The Managers of the School," as the case may be, upon the complaint of the teacher of the school, or any person authorized by him in that behalf. 45 50

Proceedings for orders to send children to school. Fees and penalties, how to be recovered.

65. All proceedings for orders to send children to school and for recovery of school fees or penalties under this Act may be had and taken in the manner prescribed by "The Justices of the Peace Act, 1866;" and in any information or complaint under this Act whether for recovery of penalties or for orders to send children to school the allegation that a child is between the ages of seven and twelve years shall be deemed sufficient *prima facie* evidence of the fact until the contrary is proved, and in every case the father and mother or guardian of any child may be witnesses. 55

PART IX.

REGULATIONS AND RETURNS.

66. The Governor in Council may from time to time make alter and repeal regulations and orders—

Regulations by
Governor in Council.

- 5 (1.) For the organization and management of the Department of Education, and for fixing the salaries of the officers thereof.
- 10 (2.) For the apportionment and administration of all moneys granted by the General Assembly for purposes of Public Education.
- 15 (3.) For the inspection of schools and the Educational Department of Public Institutions, and for defining the duties and powers of Government Inspectors of Schools.
- (4.) For fixing the kinds and grades of Elementary Schools to be established in School Districts.
- (5.) For the examination and classification of teachers.
- (6.) For the employment education and examination of pupil-teachers.
- 20 (7.) For the issue of certificates of competency to teachers.
- (8.) For the examination and classification of candidates for Provincial scholarships.
- (9.) For the establishment and management of a Colonial Normal or Training College, and of Provincial Model Schools.
- 25 (10.) For defining the standard of education which must be reached by a child, entitling such child to be exempted from attendance at a public school.
- 30 (11.) For the guidance generally of Education Boards, School Committees, school teachers and others, in the carrying out of the provisions of this Act, and for such other purposes as it is specially provided in this Act that regulations may be made by the Governor in Council.

And all such regulations shall be published in the *New Zealand Gazette*, after which they shall have the force of law, and shall be laid before

35 both Houses of the General Assembly as soon after they are passed as circumstances will permit.

67. The Minister shall, before the thirty-first day of May in each and every year, lay before the Governor a report upon the progress and condition of public education in New Zealand during

40 the year ending the thirty-first day of December immediately preceding, and also a general statement of accounts; and such report and statement shall be laid before both Houses of the General Assembly within one month if the Assembly be then sitting, and if the Assembly be not then sitting, then within one month after the next ensuing Session thereof.

Annual report by
Minister to Governor
and to General
Assembly.

45 **68.** Every Board shall before the last day of February in each and every year forward to the Minister, and also to the Superintendent of the Province, a report of its proceedings during the previous year; and such report shall contain a full account of the income and expenditure of the said Board, audited in such manner as the Governor

50 may order; and also a list of the Provincial and aided Schools within the Province and such information relative to the same and to educational matters within the Province as the Minister may direct; and every Board shall furnish information to the Minister relative to school matters within its Province, whenever required to do so by the

55 Minister.

Boards to make
returns to Minister.

69. Every School Committee and every Provincial and Aided School teacher shall, whenever called upon to do so by the Board of the Province in which such school is, or the Minister, furnish to the Board and the Minister such information relating to the school as

Teachers of Provin-
cial and aided schools
to make returns.

may be asked for by the same; and every teacher of said schools shall correctly enter in a set of school register books to be kept by him for the purpose such particulars relating to the attendance and progress of his pupils as may be prescribed by any regulation under this Act, and shall furnish to the Board or the Minister copies or duplicates of such register books as may from time to time be required of him. 5

PART X.

WHAT TO BE DONE IN CASE INSUFFICIENT PROVISION MADE FOR EDUCATION BY EDUCATION BOARD.

For every Province sufficient public school accommodation to be provided.

70. There shall be provided for every Province a sufficient amount of accommodation in Public Elementary Schools (as hereinafter defined) available as far as practicable under the circumstances for all the children resident in such Province for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner hereinafter provided; and every school being a public school within the meaning of this Act, whether a Provincial or Aided Public Elementary School within the meaning of this Act. 10 15 20

Public elementary schools.

If complaint made to Minister that accommodation is insufficient, to refer complaint to Board of the Province.

71. The Minister, upon the report of a Government Inspector of Schools, or upon the complaint of not fewer than five persons being parents of families resident in any locality, that there exists in such locality a want or an inadequate supply of public school accommodation, shall forward a copy of such report or complaint to the Board of the Province within which such locality is situated: And the said Board upon the receipt of such report or complaint, shall forthwith make such inquiry as to it may seem necessary for ascertaining fully all the circumstances of the locality in regard to education, and if upon such inquiry the Board is satisfied that there does exist a want or an inadequate supply of public school accommodation within the locality, the Board shall thereupon take such steps as to it may seem best for supplying such want or deficiency of school accommodation. 25 30

The Board to make inquiry and supply deficiency.

If after three months deficiency not supplied and complaint made to Minister, he may cause inquiry to be made.

72. If after the lapse of three months from the date of the receipt by the Board of the report or complaint as aforesaid it shall be again brought under the notice of the Minister, by the report of a Government Inspector of Schools, or by the complaint of not fewer than five heads of families resident within the locality aforesaid, that there still exists a want or an inadequate supply of public school accommodation within such locality and that no steps have been taken by the Board for supplying such want or deficiency, the Minister shall, after such further inquiry, if any, as he may think necessary, consider whether any and what public school accommodation, if any, is required for such locality, and in so doing he shall take into consideration every school, whether public elementary or not, and whether actually within the locality or not, which in his opinion gives or will when completed be suitable for the children of such locality, and he shall also consider the number of children of school age resident in such locality for whom no school accommodation has been provided, and the distances of the residences respectively of such children from any school and from each other, and all other circumstances of the case. 35 40 45 50

If Minister deem accommodation insufficient, he may make requisition on Board, and Board then to supply deficiency.

73. If the Minister upon such consideration as aforesaid shall be of opinion that the amount of public school accommodation for the locality is insufficient, and that there ought to be provided school accommodation or additional school accommodation he shall thereupon forward a requisition to the Board of the Province in which such locality 55

is, specifying the amount and description of the public school accommodation which appear to him to be required for the locality, and any other particulars which the Minister may think expedient, and requiring them to take proceedings forthwith for supplying the public school accommodation mentioned in the requisition, and the Board shall supply the same accordingly.

75. If the Board fail to comply with the requisition within three months after the sending of such requisition aforesaid, the Minister may take such steps as to him may seem fit for providing the required public school accommodation; and all expenses incurred in thus providing such public school accommodation shall from time to time, as occasion may require, be by the Colonial Treasurer charged against and defrayed out of the capitation money payable under "The Payments to Provinces Act, 1870," to the Province within which the public school accommodation is to be or has been provided as aforesaid by the Minister.

What to be done if requisition not complied with.

PART XI.

ANNUAL ESTIMATE OF EXPENDITURE AND INCOME BY BOARD : PROVINCIAL RATES : DISTRICT RATES : APPEALS : RECOVERY OF RATES, ETC.

76. In the month of January in each and every year, every Board shall make an estimate of the amount of money which will be required for the expenses of the Board for the then current school year, and also the amount which they have good and reasonable cause to believe will be derived from the following sources, namely—

Annual Estimate of expenditure and income by Board.

- (1.) From moneys appropriated or to be appropriated by the Provincial Council of the Province in or for which the Board is constituted.
- (2.) From the rents and proceeds of Educational Reserves vested or to be vested in the Board for the purposes of this Act.
- (3.) From moneys in any manner whatever received or to be received by the Board other than by a rate.

And if they be satisfied that such amount will not cover all the expenses of the Board for the then current year as aforesaid, it shall be lawful for the Board to levy a Provincial education rate to make up the estimated deficiency by a rate, either by a value rate or household rate as hereinafter defined.

77. The Education Board of each Province may from time to time as it sees fit, in manner hereafter provided, make and levy rates to be called "Provincial education rates." The rate shall be, as the Board may from time to time for each year determine, either "an annual value rate" or "a household rate."

Rate may be either annual value rate or household rate.

78. An annual value rate shall be made equally upon all ratable property (as hereinafter defined) within such Province. All land shall be ratable property save as is next hereinafter excepted; that is to say, except land the property of Her Majesty and unoccupied, and land the property of Her Majesty and used for public purposes, land in the occupation of the Crown or the Government of New Zealand, or of the Superintendent of the Province in which such lands are situate as Superintendent of such Province and on behalf thereof, or of the Education Board of such Province, or of the local government of the district or division of the Colony in which such lands are

Annual value rate.

situate, or of the Road or Highway Board of the District in which the land is, and except hospitals benevolent institutions and buildings used exclusively for public charitable purposes, churches, chapels, and other buildings used exclusively for public worship, buildings used as schools provided they be inhabited only by the master or the mistress of such schools or his or her family and such schools be Provincial or Aided schools under this Act or be otherwise of a public character, and except burial-grounds and land vested for public purposes in the Superintendent of the Province or any Corporation Commissioners or other persons or body under "The Public Reserves Act, 1854," or "The Public Reserves Act Amendment Act, 1862," or any other Act of the General Assembly, or Act or Ordinance of the Provincial Legislature passed in pursuance of the said two last-mentioned Acts or either of them, or in the case of the County of Westland vested in the Governor or other person, or in any Commissioners or Corporation or other body by or under "The Westland Waste Lands Act, 1870," or "The County of Westland Act, 1867," or any Act amending or repealing the same, and enacting provisions for the local government of that portion of the Colony included in the said County :

Nothing herein contained shall exempt from being rated hereunder lands of the Crown which have been or shall hereafter be leased or of which a license to occupy has been issued, nor to exempt lands of the Crown contracted to be sold or leased on the ground that no grant or lease from the Crown has been made to the purchaser or proposed lessee thereof. But such lands shall be liable to be rated as if a Crown Grant or lease thereof had been made and issued, and they no longer remained vested in the Crown if such purchaser or proposed lessee or any person claiming under him occupies or has a right to occupy the same, but such lands shall be liable to be rated as if a Crown grant or lease thereof had been made and issued.

The annual value rates made in any one year for any Province, exclusive of district school rates, shall not exceed the amount of sixpence in the pound of the full net annual value of such property.

Household rate.

A "household rate" shall be an equal rate made upon every "house" (as hereinafter defined) within such Province.

A house for the purposes of this Part of this Act shall be deemed to mean and include any dwelling-house of the clear annual value of five pounds.

The household rates for any Province, exclusive of district school rates made in any one year, shall not in the aggregate exceed the amount of twenty shillings for each house.

Annual value rates when and on whom to be made.

79. Every annual value Provincial education rate which the Education Board of any Province is by this Act authorized to make or levy shall be made and levied by them at such periods as they shall think fit upon every person who occupies, or if there be no occupier then upon the owner of any ratable property whatsoever within such Province, according to the full net annual value of such property: Provided that every person occupying under lease or license Crown lands for pastoral purposes only shall be rated in respect of the same in proportion of one-third part only of such net annual value thereof as aforesaid: Provided further that notwithstanding any of the provisions hereof whereby the owner of ratable property is to be rated to or to pay any rate on the default or instead of the occupier thereof, the Crown shall not be rated to or pay any rate.

Pastoral land held under Crown.

Crown not to be rated as owner.

Household rates, when and on whom to be made.

Every household Provincial education rate which the Education Board of any Province is by this Act authorized to make or levy shall be made and levied by them at such periods as they think fit equally upon every person who occupies a house within the Province.

The said rates of whatever kind shall be vested in the Board, and shall be payable at such times either the whole or in such parts or instalments as it shall appoint.

80. Every rate made under this Act shall be made for and in respect of such period after the making of such rate as the Board shall think fit and as shall be named therein; but this section shall not prevent the Board from making or levying during any such period another rate if they shall otherwise have power hereunder to make or levy the same. The Board may make any such rate prospectively in order to raise money to pay charges and expenses incurred thereafter, or retrospectively in order to raise money to pay charges and expenses already incurred.

Rates to be for periods fixed by Board, and may be retrospective.

81. Every such rate shall be fairly transcribed in a book to be called the "rate book," to be kept for that purpose, and shall be in such form as the Board shall from time to time direct, and every such rate shall be signed by not less than three members of the board.

Rate book to be made.

The rate immediately after the same is made shall be open to the inspection of any person interested or rated in such rate at all reasonable times, and any such person may take copies or extracts from such statement or rate without paying anything for the same; and any person having the custody of such statement or rate who shall refuse to permit any person so interested or rated as aforesaid or shall not on his request permit him to take copies or extracts from such statement or rate shall for every such offence on summary conviction thereof be liable to a penalty not exceeding five pounds.

And open to inspection.

The Board may from time to time amend any rate made by virtue of this Act by inserting therein the name of any person who ought to have been rated, or by striking out the name of any person who ought not to have been rated, or by raising or reducing the sum at or upon which any person has been rated, if it appear to them that such person has been underrated or overrated, or by making such other amendments therein as will make such rate conformable to this Act; and no such amendment shall be held to avoid the rate: Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate and no such alteration had been made; and as respects such person, the rate shall be considered to have been made at the time when he received notice of such alteration, and every person whose rates are altered shall be entitled to receive seven days' notice of such alteration before the rate shall be payable by him.

Rate may be amended.

82. The Board of each Province may for the purposes of annual value rates, from time to time as shall seem fit, cause to be made for such Province a valuation of all the ratable property within the Province by competent persons appointed from time to time by the Board to be called Assessors, in such manner and form and such Assessors shall have such powers and duties as are hereinafter provided.

Valuation for annual value rates.

The Board of each Province may for the purposes of a household rate, from time to time as shall seem fit, cause to be taken for such Province a return and account of all houses within the Province by persons appointed by the Board as aforesaid to be called Assessors in such manner and form and such Assessors shall have such powers and duties as are hereinafter provided.

Return for household rate.

The rates made by the Board for the purposes of this Act shall be made upon such valuation or return as the case may be then last made, and in every such valuation for the purposes of an annual value rate the property ratable shall be computed at its net annual value (that is to say) at the rent at which the same might reasonably be expected to let from year to year free of all usual

Rates to be made last valuation or return.

- tenants' rates and taxes and deducting therefrom the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain such property in a state to command such rent :
Net annual value. Provided that all ratable property which shall not since the sale alienation or other disposition thereof by the Crown have been improved by building cultivation or enclosure, or in other like manner, shall be computed as of the net annual value of five per centum upon the fair capital value of the fee-simple thereof. 5
- Form of valuation and return.** **83.** Every Assessor appointed under this Act shall make and return his valuation of ratable property in the Province or return of houses, as the case may be, in such form as the Board may from time to time direct. Every Assessor shall for the purpose of making the valuation or return as aforesaid have power to enter at all reasonable hours in the daytime into and upon any ratable property and house within the Province without being liable to any legal proceedings on account thereof, and it shall be lawful for any Assessor to put to any person in occupation or in charge of any ratable property or house within the Province questions upon all such matters as shall be necessary to enable such valuer to state correctly the several particulars required to be stated in his valuation or return with regard to the premises ; and if after being informed by such Assessor of his purpose in putting such questions and of his authority under this Act to put the same, any such person in occupation or charge or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief, or shall wilfully make any false answer or statement in reply to any such question, such person shall on summary conviction forfeit and pay for every such offence on conviction thereof in a summary way a penalty not exceeding five pounds. 10 15 20 25
- When owner rated in respect of property under lease prior to Act tenant to pay.** **84.** When in the case of any annual value rate any owner is rated in respect of any ratable property in the occupation of any tenant under a lease or agreement made prior to the commencement of this Act, such tenant shall repay to the owner all sums paid by him during the continuance of such lease on account of any rates under this Act payable by the occupier unless it shall have been agreed that the owner shall pay all rates in respect of such property ; and every sum so payable by the tenant to the owner may be recovered, if not paid upon demand, as arrears of rent could be recovered from the occupier by the said owner. 30 35
- Owner how to be designated when not known.** **85.** Whenever the name of any owner liable to be rated under the provisions of this Act is not known to the Board, it shall be sufficient to rate such owner as the owner of the property to be rated by the designation of "The owner," without stating his name. 40

APPEALS.

- Appeals.** **86.** If any person think himself aggrieved on the ground in the case of an annual value rate of unfairness or incorrectness in the valuation of any ratable property included in any rate, or in the amount assessed thereon, or on the ground in the case of a household rate that the house is not such as ought to have been included in any rate, or aggrieved by any matters included in or omitted from any such rate or for any cause of grievance whatsoever by any such rate, he may at any time within one month after such rate is made appeal to the Resident Magistrate's Court or Court of Petty Sessions holden nearest to such ratable property or house as the case may be ; but no such appeal shall be entertained by such Court unless twenty-one days' notice in writing of such appeal be given to the aggrieved party to the Board ; and at the sitting of the Court for which such notice is given or any adjournment thereof, the Resident Magistrate and Justices there present shall hear and 45 50 55

determine all such matters of complaint of which notice has been given but no other objection, and their decision shall be final; but such Resident Magistrate and Justices shall not have power to quash or set aside any rate, and no such notice of appeal shall prevent the
5 recovery of such rate before a Justice as hereinafter provided.

Upon any such appeals as aforesaid where there shall appear to be just cause for giving relief, the Resident Magistrate's Court or Court of Petty Sessions respectively shall have the power to amend the rate in
10 respect of which the appeal is made by altering the sum at or upon which any person is rated therein, and by inserting therein or striking out therefrom the name of any person, or in any other manner which such Courts respectively shall think necessary for giving relief.

It shall be lawful for the Resident Magistrate's Court and Court of Petty Sessions, upon any such appeal as aforesaid, to order and award
15 to the party for whom such appeal shall be determined, or upon proof there to be made of notice of any appeal having been given under the provisions hereinbefore contained where the person giving such notice has not afterwards prosecuted such appeal, to order and award to the person to whom such notice shall appear to have been given such costs
20 and charges as by the Court in its discretion shall be thought reasonable and just, to be paid respectively by the party against whom such appeal shall be determined, or by the party so giving notice and not prosecuting as the case may be; and all such costs and charges may be recovered by the like means and in like manner respectively as any
25 costs awarded by such Courts respectively may lawfully be recovered: Provided that no such Resident Magistrate's Court or Court of Petty Sessions shall order or award any costs to be paid to any person having appealed to it as aforesaid in any case in which the sum at or upon
30 which such person was rated shall have been by such Court reduced by an amount less than one-fifth thereof.

No order of the said Resident Magistrate's Court or Court of Petty Sessions upon any such appeal shall be removed by *certiorari* or otherwise into the Supreme Court.

RECOVERY OF RATES.

35 **87.** If any person rated under the provisions of this Act fail to pay any of the rates due from him for the space of fourteen days after demand thereof in writing by the Board of the Province or their collector duly authorized in that behalf by an instrument in writing signed by the Clerk of the Board, the Board may recover such rates from the
40 person so making default before any Justice of the Peace by complaint and order in a summary way in the manner provided by "The Justices of the Peace Act, 1866," with respect to cases in which Justices may make orders for payment of money or by action or otherwise before any Court of competent jurisdiction.

45 In any proceeding to levy and recover, or consequent on the levying or recovering of any rate under the provisions of this Act, the books of rates of the Board, and all entries purporting to be made therein in manner by this Act provided, by the production thereof
50 alone shall be evidence of such rate and of the contents thereof, without any evidence that the requirements of this Act have been given or complied with.

88. If any person quit or be about to quit any house or ratable property before he have paid the rates then payable by him in respect thereof, and do not pay the same to the Board of the Province or
55 their Collector on demand, any Justice may on the complaint of the Board or any such Collector as aforesaid, or any other officer of the Board, and upon such proof as shall appear satisfactory to such Justice, *ex parte* or otherwise, make an order directing the same to be paid by

such person forthwith to the Board or such Collector or officer as aforesaid, either forthwith or at such time or times as to such Justice shall seem fit, and in default of immediate payment to levy for the same by distress and sale of the goods and chattels of such person.

Rates to be apportioned on holder, &c., quitting.

89. When the occupier or owner who is rated to any rate ceases to be the occupier or owner of the property in respect whereof he is rated before the end of the period in respect of which such rate was made, such owner or occupier shall be liable to pay a portion only of the rate payable for the whole of such period proportionate to the time during which he continued to be the occupier or owner; and in every such case, if any person after the making of such rate become the occupier or owner in the case of an annual value rate, or the occupier in the case of a household rate, of any property so rated as aforesaid during part of the period for which such rate was made and liable to be rated in respect thereof, such person shall pay a portion of such rate proportionate to the time during which he occupied or held as the case may be the property so rated, and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

Owner to pay annual value rates under this Act in default of occupier.

90. When in the case of an annual value rate the occupier of any ratable property is rated in respect thereof and the rate remains due and unpaid for three months, the Board of the Province or their Collector may at any time within twelve months after the making of the rate by personal service or by notice published in the *Gazette* of the Province for which the Board is constituted, demand the amount of such rate or any part thereof from the owner for the time being of the ratable property, and on non-payment thereof may after one month from the service or publication of such demand recover the same from such owner before any Justice, and, subject to any agreement previously made between the said owner and occupier, the said owner may recover the sums so paid, if not paid on demand, from such occupier as arrears of rent could be recovered from the said occupier by the said owner.

Rates due from owner may be recovered from occupier.

91. When in the case of an annual value rate the owner of any ratable property is rated in respect thereof and the rate remains unpaid for three months, the Board or their Collector as aforesaid may at any time within twelve months after the making the rates demand the amount of such rate or any part thereof from the occupier for the time being of such ratable property, and on non-payment thereof may after one month from the date of such demand recover the same before any Justice in like manner as rates may be recovered from the occupier of any property liable to be rated, and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as was so paid by or recovered from him.

Amount to be recovered not to exceed rent due by occupier.

Provided always that no such occupier as in this section mentioned shall be required to pay any farther sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate, or which after such demand and after notice not to pay the same to his landlord at any time accrues and becomes payable by him, unless he refuse on application being made to him for that purpose by or on behalf of the Board truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent due by him at the time of such notice or which has since accrued shall be upon such occupier.

Sale for non-payment of rates.

92. The provisions contained in the sections numbered from three to seven inclusive of "The Sale of Land for Non-payment of Rates Act, 1862," and the Schedule thereto, shall apply to any annual value rate imposed under this Act, whether such rate shall have been made on the occupier or owner of the ratable property. The word

“Collector,” where used in the said sections, shall in the application thereof hereunder be deemed to mean the Clerk or Secretary of the Board.

DISTRICT SCHOOL RATES.

5 **93.** When the School Committee of any School District established under this Act shall by memorial request the Board of the Province in which such district is to cause to be levied a district rate for the purpose of defraying the district’s proportion of the expense of building or improving the school building or school buildings of the district, or for increasing the efficiency of the school or schools within the district, it shall be lawful for such Board at its discretion, to cause to be levied within the said district a district annual value rate of not exceeding threepence in the pound on the annual value, upon the ratable property within the School District, or a district household rate upon all houses within the district in manner hereinbefore authorized in the case of Provincial Education rates, and such rates shall be called District School rates, and in such case the Board and all other persons shall have the like powers and duties and liabilities in the making assessing levying and recovering of District School rates as are hereinbefore conferred vested or imposed with regard to Provincial Education rates, and there shall be the like right of appeal by persons aggrieved by a District School rate as in the case of a Provincial Education rate, and generally, *mutatis mutandis*, all the provisions herein relating to Provincial Education rates, and contained in sections numbered from seventy-nine to ninety-three inclusive, shall so far as applicable apply to District School rates.

District School rates on memorial of Committee.

10
15
20
25
30 **94.** Whenever the Board of any Province shall find it necessary to appoint and to pay a Commissioner or Commissioners in or for any School District, as provided by section twenty-six of this Act, it shall be lawful for the Board, at its discretion, to make and levy a District School rate within such School District in either manner hereinbefore provided, for the purpose of providing funds for the payment of such Commissioner or Commissioners as authorized by the said section twenty-six of this Act.

Board may order District School rate for payment of Commissioners.

35 PART XII.

RESERVES.

40 **95.** The Governor may from time to time reserve any waste lands of the Crown, or any lands taken under the New Zealand Settlements Acts, for school sites or as endowments for educational purposes under this Act within the Province in which such lands are, and such land shall be granted to the Board of such Province in trust for the purpose for which reserved, and all lands hereafter reserved as sites for schools or for endowment of schools in any Province by the Superintendent of any Province or otherwise under the Waste Lands Law or other law for the time being in force in any Province shall, unless a resolution by the Provincial Council of such Province be passed to the contrary, be granted to the Board of such Province in trust for the purposes for which they may have been reserved.

Governor may make reserves for sites of schools and endowment. Such and all reserves to vest in Board.

50 **96.** All lands heretofore reserved as sites for schools, or as and for the endowment of education in and for any Province, and granted under “The Public Reserves Act, 1854,” or any Act amending the same, and vested in the Superintendent of such Province or any Board or other body, and subject to the provisions of the Acts or Ordinances mentioned in the First Schedule hereto or any of them, shall vest in the Education Board of such Province, immediately upon the first constitution thereof under this Act, subject to any contracts theretofore lawfully entered into relating to the same.

School Reserves to vest in Board.

Board may let lands on lease.

The Board of any Province may lease, for any period not exceeding twenty-one years, any lands vested in it under this Act, at such rents and on such terms and conditions as it may think fit.

Schedules.

FIRST SCHEDULE.

[It is intended to fill up this Schedule by inserting the Titles of all the Provincial Acts in force providing generally for Education, and for management of school reserves.]

Title of Acts or Ordinances.	Name of Province in which in force.

SECOND SCHEDULE.

To A.B.

You are hereby required to send your child C.D., between the ages of seven and twelve years, to a public school; and if you fail to do so, you will be summoned before two Justices of the Peace to answer for such neglect.

If your said child is (1) under efficient instruction otherwise than at a public school, or (2) if it is prevented from attending school by sickness or unavoidable cause, or (3) if the road between the child's residence and the nearest public school is not sufficiently passable for your child, or (4) if you have obtained a certificate in writing from a Government Inspector of Schools or the Master of any Public School, that your child has reached the standard of education prescribed by the Regulations, and if you satisfy the School Committee of any of these facts, you will receive a certificate exempting you from sending your child to school.

In case you are unable to pay the school fees, on application to the School Committee, or on appearing before two Justices of the Peace, they will determine whether your child shall be admitted at the public school free of charge, or what sum per week, month, or quarter, not exceeding the rate usually charged at such school, shall be paid to the School Committee, Managers, or Teacher of the School for the education of your child.

E.F.,
A Member of the School Committee
of the district of

Dated this day of 18 .