

(Hon. Mr. Vogel.)

Education Act.

ANALYSIS.

- Title.
Preamble.
1. Short Title. Divisions of Act.
- PART I.
PRELIMINARY.
2. Act may be adopted in each Province. Parts alone may be adopted. Rate to be made to be specified.
- PART II.
- EDUCATION BOARDS; THEIR CONSTITUTION, POWERS, DUTIES, AND PROCEEDINGS. APPOINTMENT OF SCHOOLMASTERS.
3. Interpretation of terms.
4. Repeal.
5. Education Boards.
6. First Boards.
7. Constitution of Boards.
8. Board with concurrence of Superintendent to fix number of elected members, and the mode of their election. Half of elected members to retire annually. Annual elections to fill up vacancies. Places of members of Board to be vacated in certain cases. Vacancies, how to be filled. Board incorporated.
9. Property acquired under repealed Acts, in whom to vest. Contracts entered into under repealed Acts, by whom to be performed.
10. Trustees of schools may relinquish trust to Board.
11. Secretary of Board.
12. Duties of Secretary.
13. First and general meetings of Board.
14. Conduct of proceedings of Board. Minutes of proceedings to be kept.
15. Moneys to be paid into Bank.
16. Powers and duties of Board. Establishment of School Districts. School year.
17. Notice of School Districts established to be gazetted. Existing districts. New districts. Interest of new districts in school buildings, &c.
- APPOINTMENT OF SCHOOLMASTERS.
18. Board to appoint teachers.
19. Teachers appointed under repealed Acts continued in office.
20. Duration of appointments of school teachers. Teachers' occupation of schoolhouse. Teachers may be suspended or peremptorily dismissed in certain cases.

- PART III.
- SCHOOL DISTRICTS. SCHOOL COMMITTEES AND THEIR DUTIES. ASSISTANT AND PUPIL TEACHERS.
21. Constitution and mode of election of School Committee. Disqualifications.
22. Householders of a district may memorialize for constitution of such into a School District. Meeting of householders may be called. School Districts may be constituted without a memorial.
23. Proceedings at such meeting. Election of School Committee.
24. Annual election of members to fill up vacancies in School Committee. Chairman to have deliberative and casting votes. Committee to fill up vacancies not caused by effluxion of time.
25. Question arising as to validity of election to be decided by Education Board.
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, &c.
31. District Schools. General powers of School Committees.
32. Board may acquire lands and buildings at request of School Committee.
33. School Committee may provide buildings, &c.
34. Board may contribute to payment of teachers' salary, &c., the School Committee to provide the balance. School Committee may pay salaries in excess of minimum fixed by Board. No reduction of teacher's salary to be made without sanction of Board.
35. School Committee may appoint schoolmistresses and teachers of sewing.
36. Pupil teachers.
- PART IV.
37. Free schools.

- PART V.
- SCHOOL FEES TO BE PAID AND HOW TO BE COLLECTED: EXEMPTIONS.
38. Fees to be paid in other schools except in certain cases. Exemption by School Committee. Board may pay for child in certain cases.

39. Teacher or Treasurer to collect school fees. Fees when collected to be paid to School Committee.
40. Board may open all elementary schools without requiring payment of school fees. What children may be admitted or refused admission as pupils.

PART VI.

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

41. Purposes on which Board may expend funds.
42. Superintendent empowered to make advances to Boards for providing school buildings.
43. Purposes to which Superintendent may apply appropriations by the Provincial Council.
44. Aided schools in districts not within School Districts.
45. Aided schools within School Districts.
46. Superintendent 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.

47. What schools to be deemed public schools.
48. Provincial schools.
49. Physical training and drill.

INSPECTION OF SCHOOLS.

50. Inspection of schools.
51. Board may direct inspection of schools, &c.

PART VIII.

COMPULSORY EDUCATION: EXEMPTIONS.

52. Board may on requisition of householders bring into operation compulsory clauses of Act.
53. What children compellable to attend school.
54. Exemptions.
55. If child not sent to school, notice to be served on parents or guardians.
56. If child not sent, parent may be summoned before Justices and ordered to send child to school.
57. If not sent after order, liable to penalty.
58. Children ordered to be sent to Aided or Provincial school not to be refused admission on account of refusal or neglect to pay fees.
59. Proceedings for orders to send children to school. Fees and penalties how to be recovered.

PART IX.

REGULATIONS AND RETURNS.

60. Regulations by Board with concurrence of Superintendent.
61. Boards to make returns to Superintendent.
62. Teachers of Provincial and Aided Schools to make returns.

PART X.

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

63. Annual estimate of expenditure and income by Board.
64. Board empowered to levy a rate. Annual or capital value rate or householders' rate. Annual value rate. Capital value rate. Householders' rate.
65. Rateable property for purposes of annual and capital value rates.
66. Limit of rates.
67. On whom rates may be made and levied.
68. Rates vested in Board, and when payable.
69. Rates to be made for particular periods.
70. Rate book.
71. Rate open for inspection.
72. Board may amend rate.
73. Valuation.
74. Return of householders.
75. Rates to be made on valuation or return.
76. Assessors and their powers and duties.
77. Rights of owner in cases when lease made before coming into operation of this Part.
78. Owner whose name not known to be rated as "owner" only. Interpretation of "owner."
79. Grounds of appeal against rates. Mode of appeal. Powers of Appeal Court. Costs. Orders of Appeal Court not to be removed by *certiorari*.

RECOVERY OF RATES.

80. Recovery of rates by complaint to Justices, or action. Rate books evidence.
81. Remedy against person quitting before payment of rates.
82. Rates to be apportioned on the holder quitting, &c.
83. Rates due from owner may be recovered from occupier.
84. "The Sale of Land for Non-payment of Rates Act, 1862," to apply.

CAPITATION FEES.

85. If schools open free, capitation fees may be required to be paid by inhabitants of Province having children between five and fourteen years. Capitation fees how recoverable, &c.

DISTRICT SCHOOL RATES.

86. District School rates may be made and levied.
87. Rate for payment of salary of Commissioner if appointed.
88. Rates may be remitted on account of poverty.

PART XI.

RESERVES.

89. Superintendent may make reserves for sites of schools and endowment. Such and all reserves to vest in Board.
90. School reserves to vest in Board.
91. Board may let lands on lease, and may sell lands with consent of Superintendent.
92. Boards to keep accurate accounts. Schedules.

A BILL INTITLED

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 Preamble.
for the education of the people :

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

1 The Short Title of this Act shall be “The Education Act Short Title.
1873.”

PART I.—Preliminary. Divisions of Act.

PART II.—Education Boards their constitution powers duties and proceedings Appointment of Schoolmasters.

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

PART IV.—Superior Model and Grammar or High Schools Libraries Scholarships &c. Free Schools.

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

PART VI.—Funds and application thereof at disposal of Superintendent 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.

PART VIII.—Compulsory Education Exemptions.

PART IX.—Regulations and Returns.

PART X.—Annual Estimate of Expenditure and Income by Boards Provincial Rates District Rates Recovery of Rates.

PART XI.—Reserves.

PART I.

PRELIMINARY.

2 The Superintendent of any Province now or hereafter established may on the recommendation of the Provincial Council of such Province by Proclamation published in the Government *Gazette* of such Province declare that on and after a day named in such Proclamation this Act shall be in force in such Province and on the day so named this Act shall subject to the provisions hereof come into and be in force in such Province and not before. Act to be adopted in each Province.

Or the Superintendent of any such Province on the like recommendation may from time to time in like manner declare that any of the Parts of this Act numbered from II. to XI. both inclusive shall be in force in such Province and on the day named such Part or Parts only shall come into force in such Province but notwithstanding that any such Part or Parts may have been alone so brought into force any such Superintendent as aforesaid on the recommendation and in manner aforesaid may at any time subsequently bring into force in such Province the rest or any portion of this Act. Part X. alone may be adopted.

In every such Proclamation as aforesaid bringing into force either the whole of this Act or Part X. of this Act the recommendation and Proclamation shall specify whether the rates to be made within such Province under Part X. of this Act shall be annual value rates capital value rates uniform householders' rates or varying householders' rates The Superintendent of any Province on the like recommendation and in like manner may from time to time alter so much of any such Proclamation as specifies the description of rate to be made and declare and appoint that the rate to be made shall be of one or the other description of rates defined in Part X. of this Act. Rate to be made to be specified.

PART II.

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

Interpretation of
terms.

3 Wherever in this Act the term "Superintendent" or "Province" or "Provincial Treasurer" is used 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 and the County of Westland and the County Treasurer of Westland as the case may be in so far as relates to the County of Westland.

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 then notwithstanding such provision if there be no law in force in such Province providing for the appointment of an Executive Council the Superintendent may act alone but with reference to the County of Westland the Chairman of the County of Westland is hereby authorized with the consent of the County Council of Westland to do any such act matter or thing as last aforesaid or anything which a Superintendent of a Province is authorised to do on the recommendation of the Provincial Council of such Province 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 the authority of a resolution 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.

Repeal.

4 On the coming into operation of this Act or Part X. of this Act in any Province such of the Provincial laws for the time being in force in such Province providing for Public Education the constitution of Education Boards School Districts School Committees and the imposition and recovery of rates for the maintenance of such schools as shall be specified in the notice bringing into force this Act or Part X. thereof as the case may be shall subject to the provisions of this Act be repealed and it shall be lawful for the Superintendent in such notice as aforesaid to define what enactments are so repealed and such definition shall be final and conclusive as to the repeal thereof but notwithstanding such repeal the enactments repealed or any of them may by such notice be continued in force for such purpose or for such time as shall be therein prescribed.

Education Boards.

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

First Boards.

6 Every Education Board (under whatever name designated) constituted under any Provincial Ordinance or Act and in existence immediately before the coming into operation of this Act in any Province shall be the first Education Board under this Act in and for the Province in and for which such Board shall have been so constituted and the Superintendent and Provincial Treasurer for the time being of any Province in and for which no Education Board shall exist at the time aforesaid and six other persons to be appointed by such Superintendent with the advice and consent of his Executive Council shall form and be the first Education Board of such Province.

Constitution of
Boards.

7 The members of the first Education Board as aforesaid in each Province in which this Act shall be brought into operation shall hold office until the first day of January following the day of the coming into operation of this Act in such Province and thereupon the Superintendent ~~and Treasurer~~ for the time being of such Province and not fewer than six nor more than twelve persons to be elected in the month of December next preceding the said month of January in manner hereinafter provided by the School Committees constituted under this Act within such Province shall constitute the Education Board of such Province.

8. The Provincial Council with the concurrence of the Superintendent may from time to time fix and determine the number of elected members of the Education Board for the Province (such number being not fewer than six nor more than twelve) ~~and the manner in which the right of election of such members by the several School Committees shall be exercised~~ due respect being had to the extent of each Province and the number of School Committees within its limits.

Board with concurrence of Superintendent to fix number of elected members and the mode of their election.

[Add the following proviso.]

Provided always that the principle of cumulative voting shall be enforced In the Ordinance regulating the mode of election provision shall be made whereby any person entitled to vote at any election at which more than one member is to be elected shall have at least as many votes as there are members to be elected and shall have the right to give the whole of his votes to one candidate or distribute them among the candidates as he or she may think fit instead of voting for as many of such candidates as there are vacancies to fill.

One-half of the elected members of the Education Board shall retire annually the elected members retiring at the end of the first year shall be determined by each Board by ballot and in every subsequent year the members shall retire who shall have served longest upon such Board without re-election and all retiring members shall be eligible for re-election.

Half of elected members to retire annually.

The election of members to fill up such vacancies in each Board by re-elections as aforesaid shall take place in the month of December in each year after the year in which the first elections under this Act are held at such times and places as shall be fixed by any regulation of the Provincial Council in that behalf and in the manner to be prescribed by the Provincial Council with the concurrence of the Superintendent as hereinbefore provided and the members so elected shall take office at the commencement of the school year next following the date of their election.

Annual elections to fill up vacancies.

If any member of the Board shall by writing addressed to the 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 or be adjudicated a bankrupt or insolvent or execute any deed of composition or arrangement with his creditors or be absent from the Colony for six months at one time or be convicted of treason felony perjury or any infamous crime 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 vacant or that any supposed member thereof is incapable to be a member.

Places of members of Board to be vacated in certain cases.

If the place of any elected member of a Board shall become vacant from any of the causes last aforesaid the Chairman of the Board may fix a time and place for the election of a new member by the School Committee or Committees entitled to elect the same in the manner to be prescribed by the Provincial Council with the concurrence of the Superintendent as hereinbefore provided for the ordinary election of members and such member shall retain his office so long as the vacating member would have retained the same if no vacancy had occurred.

Vacancies how to be filled.

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 and may appear in all legal proceedings by their Chairman or Secretary In lieu of an elected Board the Superintendent and Provincial Council of any Province may by Ordinance empower the Superintendent and

Board incorporated.

Executive Council of such Province from time to time to appoint the members of the Board according to the provisions contained in section *six* of this Act and the Board so appointed shall be the Board for such Province and while such Ordinance remains in force the members of the Board shall not be elected but appointed as aforesaid.

[*Add the following proviso.*]

Provided that no person shall be disqualified from being a member of such Board by reason of his being a member or a minister of any religious denomination.

Property acquired
under repealed Acts
in whom to vest.

9. All property immediately before the coming into operation of this Act vested in or under the control of the Superintendent or Education Board (under whatever name designated) of any Province in which this Act is brought into operation shall on the constitution of the Board under this Act for such Province be vested in such Education Board of such Province constituted under this Act to be held by it for the purposes of this Act within such Province.

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

All moneys which under the provisions of any Act or Ordinance repealed under this Act on the coming into operation thereof within any Province or under any other Act or Ordinance were at or immediately before the coming into operation of this Act in such Province due or owing to or by or recoverable by or from the Education Board (under whatever name designated) of any Province constituted under any Provincial Ordinance or Act repealed as aforesaid hereunder or any other Act or Ordinance or to or by the Superintendent of such Province or to or by any other person on behalf of such Board shall on the coming into operation of this Act be paid to or by or be recoverable to or from the Education Board of such Province constituted under this Act as the case may be and all contracts agreements covenants and securities before the coming into operation of this Act in any Province entered into or made under any Act or Ordinance hereunder as aforesaid 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 in such Province were in force shall at the coming into operation of this Act in such Province 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.

[*New Clause 10.*]

Trustees of schools
may relinquish trust
to Board.

10. Any persons having the management and control of any school in any Province not established under any of the Acts or Ordinances repealed hereunder, 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 Superintendent of such Province, agree with the Board of such Province that the said school shall be subject to the management and control of such Board, and that the said buildings lands and endowments shall be vested in such Board, instead of such persons as aforesaid; and if the Superintendent of such Province assents to such agreement, and a notification of such assent be published in the *New Zealand Gazette* and the *Provincial Gazette*, the said school buildings lands and endowments shall be vested in the said Board upon the same trusts and for the same or other like purposes as such school buildings lands and endowments were vested in such persons as aforesaid, and such buildings lands and endowments shall be held and maintained for the maintenance of such school as a school under 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.

[*Omit Clause 10.*]

10. Any persons having the management and control of any school in any Province not established under any of the Acts or Ordinances repealed hereunder 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 Superintendent of such Province agree with the Board of such Province that the said school shall be subject to the management and control of such Board and that the said buildings lands and endowments shall be vested in such Board instead of such persons as aforesaid and if the Superintendent of such Province assents to such agreement and a notification of such assent be published in the *New Zealand Gazette* and the *Provincial 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 elementary superior or otherwise as the Superintendent 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.

Secretary of Board.

11. Every Board may from time to time appoint and remove a Secretary who shall receive such salary as the Board shall deem proper and any person who at the time of the coming into operation of this Act in any Province holds the office of Secretary to an Education Board in such Province 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.

The Education Board of any Province may from time to time appoint and remove such Inspectors of Schools and other officers as may be deemed necessary and such Inspectors and other officers shall be paid by the Board such salaries or other remuneration as the Board may from time to time appoint and all Inspectors of Schools holding office in any Province at the time of the coming into operation of this Act therein under the provisions of any Ordinance or Act repealed hereunder shall subject to removal as aforesaid and to any express provisions of this Act continue to act as Inspectors of Schools within such Province and every Inspector of Schools under any Board is hereinafter referred to as a "Government Inspector of Schools."

Duties of Secretary.

12. 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 Colonial Secretary.

13. The first meeting of the Board of each Province shall be at such time and place as the Superintendent of such Province shall appoint and all subsequent meetings shall be held at such times and places as the Board may by any regulation in that behalf determine. Provided that at least one meeting shall be held in every month after such first meeting 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.

First and general meetings of Board.

14. 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 members present at any meeting shall elect one of their number to be Chairman at such meeting 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.

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.

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 and 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.

Moneys to be paid into Bank.

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 hereunder 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 as the Board 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.

Powers and duties of Board.

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.

Establishment of School Districts.

School year.

The formation of any new district by the division or combination of any existing School District or Districts shall take effect on and after the commencement of the school year next following the date on which the formation of such new School District shall have been agreed to by a resolution of the Board and a "school year" 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.

Notice of School Districts established to be gazetted.

17 As soon as conveniently may be after the coming into operation of this Act in any Province the Board of such 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 hereunder repealed and existing immediately before the coming into operation of this Act in such Province and of any new School Districts which they may 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. 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 hereunder 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 in any Province as School Committees of any such districts last aforesaid shall continue in office until their successors are elected under this Act.

Existing 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 every School District shall be held to be bounded as described in any such notice.

New Districts.

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 District 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.

Interest of new districts in School buildings &c.

APPOINTMENT OF SCHOOLMASTERS.

Board to appoint teachers.

18 The Board of each Province in which this Act shall be in operation shall be entitled to appoint a teacher for every school under their control but no person shall be eligible for appointment who does not produce a certificate of competency from a Government Inspector of Schools 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.

Teachers appointed under repealed Acts continued in office.

19 All teachers of schools at or immediately before the coming into operation of this Act in any Province holding office under the provisions of any Ordinance or Act hereunder repealed shall subject to any express provisions of this Act continue to hold such office as if

this Act had not come into operation in such Province 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 hereunder 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.

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 their 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 as hereby declared to be an occupancy by sufferance *at will* 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.

Teachers' occupation of schoolhouse.

Teachers may be suspended or peremptorily dismissed in certain cases.

PART III.

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

21 For every School District constituted under this Act there shall be a School Committee consisting of eight householders whether male or female resident within the district one-half of whom shall retire annually. The members retiring annually shall be determined by each Committee by ballot and in every subsequent year the members shall retire who shall have served longest upon such Committee without re-election and all retiring members shall be eligible for re-election.

Constitution and mode of election of School Committee.

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.

Disqualifications.

22 Upon the memorial of not less than five of the householders 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 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 householders in such locality whether male or female and it shall be the duty of the said meeting to appoint a Chairman and elect a School Committee in manner hereinafter provided and the meeting shall likewise consider the boundaries of the proposed School District and report the same to the Board who may at their 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.

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

Meeting of householders may be called.

The Board of any Province may from time to time as they shall see fit constitute new School Districts in manner herein provided notwithstanding that no memorial from the householders and no report from a Government Inspector may have been received.

School Districts may be constituted without a memorial.

Proceedings at such meeting.

23 The first meeting of the householders in every School District in any Province in which this Act is brought into operation specified in any notice published under the seventeenth section of this Act shall be held on such day in the year commencing on the first of January after the coming into operation of this Act in such Province and at such time and place as the Board of such Province shall for each appoint and at every such meeting the householders present whether male or female shall elect in manner hereinafter provided eight householders to form the School Committee for such district and one-half of the members so elected shall retire from office on the fourth Monday of the following month of January and the persons to retire shall be determined in the manner and subject to the provisions of the twenty-first section of this Act.

Election of School Committee.

Annual election of members to fill up vacancies in School Committee.

24 In each Province in which this Act is brought into operation on the fourth Monday in the month of January in each year except in the first year after this Act comes into operation in such Province a public meeting of the householders in every School District in such Province 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 advertisement at least one month previously and at such meeting a Chairman shall be chosen and the School Committee shall give a report of their proceedings together with a statement duly audited of their accounts for the preceding year and thereupon the householders present whether male or female shall elect by a majority of votes taken by ballot or in such manner as shall be determined upon by the said meeting such number of householders to be members of the School Committee as shall fill up the vacancies caused by the retirement of members as provided by the twenty-first and twenty-third sections of this Act.

Chairman to have deliberative and casting votes.

At every meeting convened and held for the election of members of a School Committee the Chairman having a deliberative shall also have a casting vote and every voter shall be entitled to a number of votes equal to the number of the members to be elected and may give all such votes to one candidate or may distribute them among the candidates as he thinks fit.

Committee to fill up vacancies not caused by effluxion of time.

If any vacancy shall occur otherwise than by effluxion of time in any 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 such member so elected shall retain his office so long as the vacating member would have retained the same if no vacancy had occurred.

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

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 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 or to fill up the vacancies in the Committee caused by the effluxion of time 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 or for filling up the vacancies in the 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.

If School Committee not elected Board may appoint Commissioners.

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 they 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.

27 The School Committee of each district shall at their first meeting after the annual election of members in each year for filling up vacancies elect by a majority of the votes of the members present thereat one of their body to be Chairman until the next annual election of the members 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 in accordance with any resolution of the Committee, or 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 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.

Proceedings of School Committee.

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 suspension or dismissal of a teacher shall be transacted unless notice in

Minutes to be kept.

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.

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

30 A School Committee may appear in all legal proceedings by their Clerk or by the Chairman or any solicitor appointed by the Chairman. 5

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. 10

General powers of School Committees.

Subject to the general supervision and control of the Board 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. 15

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

32 On the application of the School Committee of any School District the Board of the Province within which such School District is may purchase lease or acquire a suitable site or sites for a school-house schoolmaster's residence and glebe and school playground and the Board if they 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. 20

School Committee may provide buildings, &c.

33 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 by and out of any moneys at their disposal, and the term "schoolhouse" shall be held to include schoolmaster's residence outbuildings and apparatus and appliances for instruction in gymnastics and for physical training. 30

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

34 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 them 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. 35

School Committee may pay salaries in excess of minimum fixed by Board.

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, but the School Committee may pay to the teacher or teachers of any school out of the school fees or other available funds such sum or sums in addition to the minimum salary or salaries fixed by the Board as to them shall seem fit. 50

No reduction of teachers' salary to be made without sanction of Board.

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. 55

School Committee may appoint school-

35 It shall be lawful for the School Committee of any district, with the express sanction of the Board of the Province within which 60

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
 5 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 to the approval of the head teacher of the school and subject also to the conditions prescribed
 10 in the *eighteenth* and *thirty-fourth* sections of this Act.

mistresses and
teachers of sewing.

36 The Board of any Province may authorize the master of any well attended and efficiently conducted 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
 15 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.

FREE SCHOOLS.

20 [Omit Clauses 37 to 44.]

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 Superintendent previously obtained convert any elementary school in such Province into and establish the
 25 same as a superior school; and every superior school or grammar school at or immediately before 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 superior school under this Act.

Common schools may
be converted into
superior schools.

38 Every such superior school shall be under the charge of a head master, whose duty, in addition to a general supervision over the whole establishment, shall be to teach such of the pupils belonging to his school as are qualified to receive such instruction the higher
 30 branches of education, but instruction in elementary education shall be given in one or more departments of every such superior school.

Superior schools how
to be conducted.

39 Any Board may, with the express sanction of the Superintendent previously obtained, and with the consent of the School Committee having the management of such school, make use of any efficiently conducted school as a Model School, or may establish and
 40 maintain a Model School subject to such regulations and rules as may be made by the Board with the concurrence of the Superintendent under this Act.

Model Schools.

40 The Board of any Province may, with the express sanction of the Superintendent of such Province previously obtained, maintain
 45 in any populous portion of such Province, a Grammar School or 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
 50 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
 55 connected therewith paid out of school fees and any other available funds.

Grammar or High
Schools.

41 The Board of any Province may, with the express sanction of the Superintendent of such Province previously obtained, maintain in

Girls' Schools.

any populous portion 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 any other available funds.

5

Libraries in School Districts.

42 And whereas it is expedient that encouragement should be given to the formation of school libraries in the various School Districts, the Board of any Province 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.

10

15

Libraries for Teachers' Association.

43 The Board of any Province may 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.

20

Exhibitions, scholarships, &c.

44 The Board of any Province may out of funds made specially applicable to the purpose, from time to time establish exhibitions or scholarships to be held at any Superior 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 Board, with the concurrence of the Superintendent; 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.

25

30

35

Free schools.

37 45 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 Board with the concurrence of the Superintendent 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.

40

45

PART V.

50

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

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

38 46 Except as hereinafter provided, 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; 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

55

Exemption by School Committee.

60

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.

5 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 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 own 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.

Board may pay for child in certain cases.

15 39 47 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.

Teacher or Treasurer to collect school fees. Fees when collected to be paid to School Committee.

30 40. 48 If the Board of any Province shall be of opinion that it would be for the interests of education that the elementary schools, and the elementary departments of superior schools established under this Act within such Province should be open to all the pupils without payment of school fees, the Board may open such schools and such elementary departments to all the pupils without requiring payment of school fees, and may, in lieu thereof, levy or cause to be levied capitation fees within the Province in manner hereinafter provided.

Board may open all elementary schools without requiring payment of school fees.

35 Subject to the provisions of this Act all schools established and maintained under this Act shall be open to all children not being under five years of age but it shall be lawful for the teachers of such schools to expel or forbid the attendance of any child for want of cleanliness or who may be likely to communicate any contagious disease or who from gross misconduct or incorrigible disobedience may be considered 40 an injurious or dangerous example to the other scholars the parents or guardian of such child having a right of appeal first to the School Committee and finally to the Board of the Province in which the school is. But in the case of a Grammar or High School, or the higher department of a superior school, it shall be lawful for the Board or the Committee 45 having charge of such school to require as a condition of admission that a minimum age and standard of attainment, to be fixed by the Board, shall be reached by all candidates for admission to such school or department.

What children may be admitted or refused admission as pupils.

PART VI.

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

41. 49 Every Board shall by and out of moneys at its disposal make such provision from time to time as to them shall seem fit for the following purposes, namely:—

Purposes on which Board may expend funds.

- 55 (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.

- (3.) For the payment of teachers' salaries.
- (4.) For the maintenance and education of pupil-teachers.
- (5.) For the establishment and support of a Model School or Schools. 5
- (6.) For the maintenance of free schools and the payment of school fees for poor scholars.
- (7.) For the establishing of scholarships.
- (8.) For subsidizing school libraries. 10
- (9.) For aiding schools being public schools within the meaning of this Act other than Provincial schools.
- (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. 15

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.

Superintendent empowered to make advances to Boards for providing school buildings.

42. 50 The Superintendent may advance to any Board out of any sums specifically appropriated by the Provincial Council of the Province 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 Superintendent may also empower Boards to borrow money on security of an assignment of 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. 20 25

Purposes to which Superintendent may apply appropriations by the Provincial Council.

43. 51 The Superintendent may, in accordance with regulations, grant out of any moneys from time to time appropriated for the purpose, any sum or sums of money for any purposes for which the same are so appropriated. 30

Aided schools in districts not within School Districts.

44. 52 It shall be lawful for the Board of any Province 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. 34 40

Aided schools within School Districts.

45. 53 It shall be lawful for the Board of any Province 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, and be under the management of not fewer than five School Managers, to be approved by the Board. 45

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

46. 54 If the Superintendent of any Province, by and with the advice and consent of his Executive Council, shall at any time be satisfied that the Board of such 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 Superintendent, out of any money appropriated by the Provincial Council of such Province, and which he may be by such Council authorized to apply to such purposes, 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 50 55 60

Provincial Treasurer against any moneys voted by the Provincial Council for educational purposes.

PART VII.

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

47 55 Any school shall be a public school within the meaning of this Act which shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school) namely—

What schools to be deemed public schools.

- 10 (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.
- 15 (2.) The time or times during which any religious observance is practised or instruction in religious subjects is given on any day shall be either at the end or at the beginning or at the end and beginning of such day's schoolwork and shall be inserted in a time table to be approved by the Board 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.
- 20 (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 Board may authorize a shorter period than four hours daily during which a school shall be open for secular instruction alone when such school is outside a proclaimed School District.
- 25 (4.) The class-books used in the school shall be such only as shall be approved by the Board.
- 30 (5.) 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.

48 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 :—

Provincial schools.

- 50 (1.) The school shall be conducted as and be a public school within the meaning of this Act.
- 55 (2.) The Holy Scriptures may 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.

- (3.) The Board and the School Committee may, if they see fit, 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. 5 10
- (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. 15

Physical training and drill.

49 57 In such of the schools, whether Provincial or Aided, subject to the provisions of this Act, as the Board shall from time to time direct, provision shall be made for physical training and instruction in military drill. 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 Board. 20

INSPECTION OF SCHOOLS.

Inspection of schools.

50 58 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 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 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 "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. 25 30 35 40

Board may direct inspection of schools, &c.

51 59 The Board 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 revenue of the Province. 45

PART VIII.

COMPULSORY EDUCATION : EXEMPTIONS.

Board may on requisition of householders bring into operation compulsory clauses of Act.

52 60 The Board of any Province may, on the requisition of a majority of the householders of any School District within such Province who shall have paid their rates for the then current year, bring into operation within such School District, by proclamation in the Government *Gazette* of the Province, and by publication within such School District as the Board may direct, all the provisions herein next following relating to compulsory education, and contained in sections numbered from *sixty-one to sixty-seven* both inclusive: Provided that 55

the said provisions shall not be enforced until not less than three months after the date of such proclamation and publication.

53 61 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 for at least one-half of the period in each year during which the school is usually open.

What children compellable to attend school.

54 62 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.

- (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.

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.

55 63 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, the Clerk or any member of such Committee may give the parent or guardian of such child notice in writing in the form or to the effect in the Schedule hereto, calling upon such parent or guardian to send such child to school.

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

56 64 If the parent or guardian 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 or guardian 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 masters of such school, for the education of such child.

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

57 65 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.

If not sent after order, liable to penalty.

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

58 66 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 by parent or guardian 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.

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

59 67 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.

PART IX.

REGULATIONS AND RETURNS.

Regulations by Board with concurrence of Superintendent.

60 68 The Board of any Province, with the concurrence of the Superintendent of such Province, may from time to time make alter and repeal regulations and orders to be in force in such Province.

- (1.) For the organization and management of the Department of Education in such Province. 25
- (2.) For the apportionment and administration of all moneys granted by the Provincial Council of such Province, subject however to any provisions of any Act or Ordinance or resolution of such Council, for purposes of public education. 30
- (3.) For the auditing of the accounts of the Education Board.
- (4.) For the inspection of schools and the educational department of public institutions, and for defining the duties and powers of Government Inspectors of Schools.
- (5.) For fixing the kinds and grades of Elementary Schools to be established in School Districts. 35
- (6.) For the examination and classification of teachers.
- (7.) For the employment education and examination of pupil-teachers.
- (8.) For the issue of certificates of competency to teachers. 40
- (9.) For the examination and classification of candidates for Provincial scholarships.
- (10.) For the establishment and management of a Normal or Training College and of a model School.
- (11.) 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. 45
- (12.) For the selection and publication of the list of class-books to be used in schools established or aided under the provisions of this Act. 50
- (13.) For fixing the number of elected members of the Education Board, and for prescribing the manner in which the right of election of such members by the several School Committees shall be exercised.
- (14.) For the guidance generally of the Education Board, the 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 Education Board with such concurrence. 55

And all such regulations shall be published in the *Provincial Gazette*, after which they shall have the force of law, and shall be laid before the Provincial Council of the Province as soon after they are passed as circumstances will permit.

- 5 **61 69** Every Board shall before the last day of February in each and every year forward 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 Superintendent may order, and
10 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 Superintendent may direct, and every Board shall furnish information to the Superintendent relative to school matters within its Province whenever required to do so by the
15 Superintendent.

Boards to make returns to Superintendent.

- 62 70** 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 Superintendent, furnish to the Board and the Superintendent such information relating to the school as may be asked for by the same, and every teacher of such
20 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 Superintendent
25 copies or duplicates of such register books as may from time to time be required of him.

Teachers of Provincial and aided schools to make returns.

PART X.

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

- 30 **63 71** 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.

- 35 (1.) From moneys appropriated or to be appropriated by the Provincial Council of the Province in or for which the Board is constituted.
40 (2.) From the rents and proceeds of Educational Reserves vested, or to be vested in the Board for the purposes of this Act.
40 (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
45 the estimated deficiency ; and such rate shall be either an "annual value rate," a "capital value rate," or an "uniform householders' rate," or a "varying householders' rate," as hereafter defined.

- 64 72** 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 Superintendent on the recommendation of the Provincial Council may from
50 time to time determine, either "an annual value rate," "a capital value rate," or "an uniform householders' rate," or a "varying householders' rate."

Board empowered to levy a rate.

Annual or capital value rate or householders' rate.

- 55 An annual value rate shall be any equal rate on the net annual value of the rateable property ; that is to say, the rent at which the rateable property might reasonably be expected to let from year to year free of all usual tenants' rates and taxes, and deducting therefrom the probable

Annual value rate.

average annual cost of the repairs insurance and other expenses (if any) necessary to maintain such property in a state to command such rent : Provided that all rateable 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

Capital value rate.

A capital value rate shall be an equal rate on the fair capital value of the rateable property ; that is to say, the value at which the fee-simple of the same might reasonably be expected to sell for. 10

Householders' rate.

An uniform householders' rate shall be an uniform rate of not exceeding twenty shillings in any year upon every householder occupying a tenement within the limits of a town of the net annual value of twenty pounds or upwards, or without the limits of a town, of the net annual value of ten pounds or upwards. 15

A varying householders' rate, shall be a rate upon every householder varying according to the net annual value of the tenement occupied by the householder, that is to say,

If the tenement be within the limits of a town and of the net annual value of twenty pounds, or without the limits of a town of the net annual value of ten pounds, and in either case not exceeding fifty pounds, an uniform rate of not exceeding ten shillings in any year ; but if the net annual value of the tenement, whether within or without the limits of a town, exceeds fifty pounds and does not exceed seventy pounds, an uniform rate of not exceeding fifteen shillings in any year ; and if in either case the net annual value of the tenement exceeds seventy-five pounds and does not exceed one hundred pounds, an uniform rate of not exceeding twenty shillings in any year ; and if in either case the net annual value of the tenement exceeds one hundred pounds and does not exceed one hundred and fifty pounds, an uniform rate of not exceeding forty shillings in any year ; and if in either case the net annual value of the tenement exceeds one hundred and fifty pounds, an uniform rate of not exceeding sixty shillings in any year. 20 25 30

The net annual value shall be the rent which the tenement might reasonably be expected to let for from year to year subject to the deductions hereinbefore in this section specified in the case of an annual value rate. 35

The word "tenement" in this Part of this Act means a house, counting-house, warehouse, factory, shop or other building, except buildings in the occupation of the Crown or Government of the Colony, or the Superintendent of any Province on behalf of such Province, or of the Education Board, or of the local Government of the city town or district in which the buildings are, and except hospitals, benevolent institutions, buildings used for charitable purposes, churches chapels and other buildings used exclusively for public worship, and buildings used as Provincial or aided schools. 40 45

A town, for the purposes of this Part of this Act, and the limits thereof, shall be such as from time to time may be proclaimed to be such for the purposes of this Act by the Superintendent of the Province within which this Part is in operation. 50

Rateable property for purposes of annual and capital value rate.

65 73 An annual value rate or capital value rate shall be made equally upon all rateable property (as hereinafter defined) within such Province. All land shall be rateable 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 60

Government of the district or division of the Colony in which such lands are 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
 5 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 servant or servants and such schools be Provincial or Aided schools under this Act or be otherwise of a public character, and except burial-grounds and land
 10 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-
 15 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
 20 for the local government of that portion of the Colony included in the said County.

Nothing herein contained shall exempt from being rated here-
 under lands of the Crown which have been or shall hereafter be leased by the Crown or of which a license by the Crown to occupy has been
 25 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
 30 Crown, if such purchaser or proposed lessee, or any person claiming under him, occupies or has a right to occupy the same.

66. 74. The annual value rates made in any one year for any Province, shall not exceed the amount of one shilling in the pound of the full net annual value of the rateable property. Limit of rate.

35 The capital value rates made in any one year for any Province, shall not exceed the amount of one penny in the pound of the fair capital value of the rateable property.

The uniform householders' rates for any Province, exclusive of district school rates made in any one year, shall not in the aggregate
 40 exceed the amount of twenty shillings for each tenement of the prescribed value, and the varying householders' rates for any Province, exclusive as aforesaid, made in any one year, shall not in the aggregate exceed the amount of ten shillings, fifteen shillings, twenty shillings, forty shillings, or sixty shillings, for each tenement of the prescribed
 45 value, as the case may be.

67. 75. Every annual and capital 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 rateable property whatsoever
 50 within such Province, according to the full net annual or the capital value of such property as the case may be: 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
 55 one-half only of such net annual or capital value thereof as aforesaid: Provided further that notwithstanding any of the provisions hereof whereby the owner of rateable 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.

Every Provincial education householder's rate which the Edu-

cation 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 householder who occupies a tenement within the Province of the value in the *seventy-second* section specified, as the case may be.

Rates vested in Board, and when payable.

68. 76. 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.

Rates to be made for particular periods.

69. 77. 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 in order to raise money to pay charges and expenses incurred thereafter, or in order to raise money to pay charges and expenses already incurred.

Rate book.

70. 78. 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 open for inspection.

71. 79. 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.

Board may amend rate.

72. 80. 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.

Valuation.

73. 81. The Board of each Province may for the purposes of any rates, from time to time, as shall seem fit, cause to be made for such Province a valuation of all the rateable property or tenements, as the case may be, 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.

Return of householders.

74. 82. The Board of each Province may for the purposes of a householders' rate, from time to time, as shall seem fit, cause to be taken for such Province a return and account of all householders occupying tenements within the Province of the values in the *seventy-second* section specified, as the case may be, 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.

5

10

15

20

25

30

35

40

45

50

55

60

1 2 3

75. 83. 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. Rates to be made on valuation or return.

76. 84. Every Assessor appointed under this Act shall make and return his valuation of rateable property in the Province or return of householders, 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 rateable property and tenement 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 rateable property or tenement 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. Assessors and their powers and duties.

77. 85. When in the case of any annual or capital value rate any owner is rated in respect of any rateable property in the occupation of any tenant under a lease or agreement made prior to the coming into operation of this Part of this Act in any Province, 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. Rights of owner in cases where lease made before coming into operation of this Part.

78. 86. 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. Owner whose name not known to be rated as "owner" only.

For the purposes of this Part of this Act the term "owner" shall mean the person for the time being entitled to receive, or who, if the rateable property now let to a tenant at rack rent, would be entitled to receive the rack rent from the occupier thereof. Interpretation of "owner."

APPEALS.

79. 87. If any person think himself aggrieved on the ground, of unfairness or incorrectness in the valuation of any rateable property included in any rate, or in the amount assessed thereon, or on the ground, in the case of a householders' rate, that the tenement is not such or of such value 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 rateable property or tenement 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 by 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 Grounds of appeal against rates.

Mode of appeal.

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 recovery of such rate before a Justice as hereinafter provided.

Power of Appeal Court.

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 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.

Costs.

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 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 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 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 which such person was rated shall have been by such Court reduced by an amount less than one-fifth thereof.

Orders of Appeal Court not to be removed by *certiorari*.

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.

Recovery of rates by complaint to Justices or action.

80. 88. 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 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.

Rate book evidence.

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 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.

Remedy against person quitting before payment of rates.

81. 89. If any person quit or be about to quit any tenement or rateable 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 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.

5 **82. 90** When the occupier householder 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 householder 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 householder 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 or capital value rate, or the occupier in the case of a householder's rate, of any property in respect of which such rate was made 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.

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

20 **83. 91** When in the case of an annual or capital value rate the owner of any rateable 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 of the rates demand the amount of such rate or any part thereof from the occupier for the time being of such rateable 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:

Rates due from owner may be recovered from occupier.

35 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.

40 **84. 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 rateable 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.

"The Sale of Land for Non-payment of Rates Act, 1862," to apply.

CAPITATION FEES.

55 **85. 93** If the Provincial Board of any Province shall resolve to open the elementary schools, and the elementary departments of superior schools constituted under this Act within such Province, to all pupils without payment of school fees, then in lieu of such payment the Board may levy yearly from every person in the Province being the father (or if the father be dead the mother) or the guardian or the

If schools open free, capitation fees may be required to be paid by inhabitants of Province having children between five and fourteen years.

person acting as the guardian of a child resident in the said Province, between the ages of five years and fourteen years, a capitation fee of the sum of five shillings for every such child, and the said sum shall be a debt to the Board, and may be recovered at the suit of the Treasurer thereof: Provided that no such person shall be required to pay for more than four children, nor for any child residing more than three miles from any school established under this Act, nor for any child attending any school not so established, in respect of whom such person shall produce a certificate signed by the teacher of such last-mentioned school, showing that such child has *bonâ fide* attended such school for three months, immediately before the day fixed for the payment of such capitation fee. 5 10

Capitation fees how recoverable, &c.

The said capitation fee shall be paid by the persons liable to the payment thereof to some person or persons appointed by the Board for that purpose, on or before the first day of May in each year, in manner hereinbefore provided for the payment of a Provincial education rate; and generally, *mutatis mutandis*, all the provisions herein relating to Provincial education rates and the recovery thereof, shall, so far as applicable, apply to capitation fees and the recovery thereof. 15

DISTRICT SCHOOL RATES. 20

District School rates may be made and levied.

86. 94 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, to cause to be levied within the said district in each year a District annual value rate on all rateable property within the School District, not exceeding in each year sixpence in the pound on the net annual value of the rateable property, or a District capital value rate on all rateable property within the School District, not exceeding in each year one half-penny in the pound of the fair capital value of the rateable property, or a District uniform household rate on all householders occupying tenements of the value prescribed in the case of a Provincial Education rate within the District, not exceeding ten shillings in any one year, or a varying household rate on all householders occupying tenements (of the value prescribed in the case of a varying householder Provincial Education rate) within the School District not exceeding one-half the respective amounts limited in the case of the Provincial Education rate, in manner hereinbefore authorized in the case of Provincial Education rates, and the description of the rate to be levied in any District, whether annual value, capital value, uniform householder rate, or varying householder rate, shall be according as the Provincial Education rate in the Province in which the district is situate, is an annual value, capital value, or uniform householders' rate, or varying householders' rate, 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 generally *mutatis mutandis*, all the provisions herein relating to Provincial Education rates shall, so far as applicable, apply to District School rates. 25 30 35 40 45 50

Rate or payment of salary of Commissioner if appointed. †

87. 95 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 hereinbefore provided, it shall be lawful for the Board, at its discretion, to make and levy a District School rate within 55

such School District in manner hereinbefore provided, for the purpose of providing funds for the payment of such Commissioner or Commissioners.

5 **88. 96** The Education Board may reduce or remit the payment of any rates, whether Provincial Education rates or District School rates or any capitation moneys, on account of the poverty of the person liable to the payment thereof.

Rates may be remitted on account of poverty.

PART XI.

10 **89. 97** All lands reserved after this Part comes into force in any Province as sites for schools in such Province by the Superintendent of such Province or otherwise under the Waste Lands Law or other law for the time being in force in such 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
15 the purposes for which they may have been reserved.

Future reserves for sites of schools to be vested in Board.

90. 98 All lands heretofore reserved as sites for schools in any Province in which this Part is in force, and granted under "The Public Reserves Act, 1854," or any Act amending the same, to the Superintendent of such Province, or by him vested in any Board or
20 other body, 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.

All school reserves heretofore made to vest in Board.

25 **91. 99** The Board of any Province in which this Part is in force may lease for any period not exceeding twenty-one years, any lands vested in them under this Act at such rents and on such terms and conditions as they may think fit, and may with the consent of the Superintendent and the Provincial Council, and subject to such conditions as the Superintendent and the Provincial Council may
30 prescribe, sell any portion or portions of the lands so vested in them, and invest the price or proceeds thereof in the purchase of other lands for school sites, or as endowments for educational purposes under this Act.

Board may let lands on lease, and may sell lands with consent of Superintendent.

35 **92. 100** The Education Board of each Province in which this Part is in force shall keep accurate accounts of all costs charges expenses and disbursements in connection with the management and administration of the lands vested in them as aforesaid, and also of all sums of money paid or received as rents issues profits or proceeds of or from the said lands, and shall cause such accounts to be made up
40 annually or otherwise as the Superintendent may order, and shall prepare a balance sheet of the said accounts, and such accounts and balance sheet, audited in such manner as the Superintendent may order, shall form part of the Annual Report of the Board, to be forwarded to the Superintendent of the Province.

Boards to keep accurate accounts. Schedules.

45 *[Omit the following clause.]*

50 **101.** The Superintendent of any Province on the recommendation of the Provincial Council may, notwithstanding the bringing into operation of Parts VI. and VII. of this Act, declare that sections *fifty-three* and *fifty-six* or either of them shall not come into force, and such section or sections shall accordingly have no operation in such Province, unless and until the Superintendent of such Province shall on the like recommendation revoke such declaration, which he is hereby authorized to do.

Superintendent may declare that sections 53 and 56 shall not come into force.

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.,

Clerk or Member of the School Committee
of the District of

Dated this day of 18 .