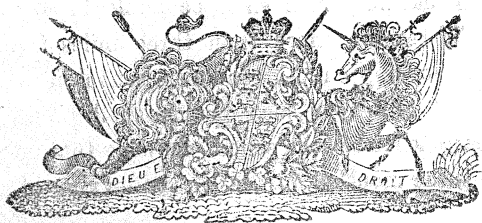


# PROVINCE OF MARLBOROUGH.



## EDUCATION ACT.

IN THE TWENTY-FOURTH AND TWENTY-FIFTH YEARS OF THE REIGN OF  
HER MAJESTY QUEEN VICTORIA.

SESSION III., No. 1.

### ANALYSIS :

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| <p>Title.<br/>Preamble.<br/>1. Superintendent may constitute Educational Districts.<br/>2. Rates to be levied.<br/>3. Ratepayers to pay their Rates at Places appointed for that purpose by the Superintendent.<br/>4. Formation of Education Board.<br/>5. Members of Education Board; how to be elected.<br/>6. How vacancies in board to be filled up.<br/>7. Officers to be appointed.<br/>8. Board to make Rules.<br/>9. Board may constitute New Districts.<br/>10. Board to distribute Moneys, &amp;c.<br/>11. Board may erect Schools, &amp;c.<br/>12. Other Teachers may be appointed.</p> | <p>13. Board may make By-Laws.<br/>14. Schools to be open to all Children.<br/>15. Religious Instruction.<br/>16. Evening Schools may be established for Young Persons above Twelve Years of age.<br/>17. Schools to be open to Inspection, &amp;c., &amp;c.<br/>18. All Moneys to be paid to Provincial Treasurer, &amp;c.<br/>19. Rates may be sued for in the name of Board.<br/>20. Accounts to be kept and audited.<br/>21. Board to transmit Half yearly Reports to Superintendent.<br/>22. Exemption of Natives from Payment of Rates.<br/>23. Board to be a Body Corporate.<br/>24. Lands vested in Board not to be alienated for more than seven years except as herein provided.<br/>25. Short Title.</p> |
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*An Act to promote Education in the Province of Marlborough.*

Title.

**W**HEREAS it is advisable that provision be made for promoting the education of youth in the Province of Marlborough: Be it therefore enacted by the Superintendent of the Province of Marlborough, with the advice and consent of the Provincial Council thereof, as follows:—

1. For the purposes of this act it shall be lawful for the Superintendent, with the advice and consent of his Executive Council, to constitute within the province Educational Districts, and to make such provisions for carrying this act into operation as he shall think expedient, until the election of the Education Board, as hereinafter provided. Superintendent may constitute Educational Districts.
2. For raising the necessary funds for establishing and maintaining District National Schools, and for otherwise carrying out the provisions hereof, there shall be levied yearly upon every householder, in each district established under the authority of this act, a uniform rate of twenty shillings, and a further sum of five Rates to be levied.

shillings for every child of such householder between the ages of seven and fourteen years: Provided always that no person shall be liable 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 a school not established under this act, nor for any in respect of whom such person shall produce to the Collector a certificate signed by the teacher of such school, showing that such child has attended such school during the three months previous to the levying of the rate.

Ratepayers to pay their rates at Places appointed for that purpose by the Superintendent.

3. The said rate shall be paid by the persons liable to the payment thereof to some person or persons appointed by the Superintendent for that purpose on a day and at a place to be fixed by the Superintendent by public notice in some newspaper published or generally circulated in the province, not being less than twenty-one days from the time of giving such notice; and if the rate or any part thereof shall not be paid on the day so to be fixed for that purpose, the same may be recovered in a summary manner before any Justice or Justices of the Peace: Provided always that it shall be lawful for the Education Board to excuse any person from the payment of such rate, who may be deemed by them to be unable, through poverty, to pay the same, by furnishing the Superintendent with a list of persons so excused, signed by three of the board and countersigned by the secretary, seven days before the day appointed for the payment of rates.

Formation of Education Board.

4. The Education Board shall consist of members to be elected by the householders of the educational districts, one member thereof to be elected, from time to time, by each educational district in manner hereinafter directed, and one member thereof to be appointed by the Superintendent, from the Executive Council of the Province; three members thereof shall form a quorum. Such board shall hold their first meeting on a day and at a place to be fixed by the Superintendent, by proclamation in the *Government Gazette* and in some newspaper circulated within the province, and shall continue in office until the second Tuesday in the month of January in the following and each and every year, on which day in that and every succeeding year the board shall meet as aforesaid; and the old board shall then deliver over to its successors all books, papers, accounts, documents, and balances of money in their possession.

Members of Education Board; how to be elected.

5. The householders of each district shall in the month of January in each year, at a time and place and in manner to be ordered by the Superintendent by proclamation in the *Government Gazette*, or at any other time, place, or manner, to be ordered in such proclamation, elect a householder of each district, to be a member of the Education Board.

How vacancies in board to be filled up.

6. Whenever a vacancy shall occur in the board during any year by the death, incapacity, non-attendance at three consecutive meetings, retirement, or otherwise, of any member of the said board for any district, and the same be notified by the board to the Superintendent, the Superintendent shall, by proclamation in the *Government Gazette* and in any newspaper circulated within the province, fix a time and place for the purpose of electing a member to supply such vacancy.

Officers to be appointed.

7. The board shall have power to appoint some fit and proper persons to be teachers for the schools, and also a secretary, and to pay them respectively such

remuneration as the board may consider reasonable and proper ; and, from time to time, to dismiss any of the said officers, and appoint others in their respective places.

8. The board shall, from time to time, make rules and regulations for the conduct of such schools and prescribe the general course of instruction and discipline to be adopted in each school. Board to make Rules.

9. The board shall have power, from time to time, with the consent of the Superintendent, to constitute new districts, and to alter any district or districts established under this act. Board may constitute New Districts.

10. The board shall have power to distribute among the schools in each respective district any moneys levied under the authority of this act or voted by the Provincial Council (unless it shall be otherwise specified in such vote), and also any sums of money which may from time to time accrue from the sale, rental, or otherwise, of any lands reserved for the purposes of education : Provided always that the Superintendent, with the advice and consent of his Executive Council, shall have the power to assist any other public schools in this province, not established under the provisions of this act, it being incumbent on every such school applying for assistance to show to the satisfaction of the Superintendent and Executive Council that an efficient education is being given in such school. The amount of assistance to any school so applying not to exceed in any one year a sum of money which shall bear to the sums of money which may from time to time accrue from the sale, rental, or otherwise, of any lands reserved for the purposes of education, or which may be voted by the Provincial Council for the benefit of schools established under this act, the same proportion as the number of scholars attending such public school shall bear to the number of scholars attending the schools established under this act. Board to distribute Moneys, &c.

11. The board shall have power to rent buildings for school-houses and office, and to purchase sites for school-houses and office, and to erect and keep in repair buildings for schools and office, and to maintain such schools and to provide books, maps, desks, forms, and other requisites for the use of such schools, and to erect and keep in repair dwelling-houses for the teachers, and to make such other provisions as they may think necessary for the maintenance of such schools and the carrying out of this act. Board may erect Schools, &c.

12. It shall be lawful for the board, upon such terms and conditions as they shall think fit, to provide teachers for any other parts of the province not included within educational districts, paying such teachers such salaries as the board shall deem meet. Other Teachers may be appointed.

13. It shall be lawful for the board to make rules for regulating the meetings and proceedings of the board not inconsistent with the provisions of this act, provided always that no such rules shall have any effect until the same shall have been allowed by the Superintendent and Executive Council of the province. Board may make By-Laws.

14. All schools maintained wholly or in part by rates levied under this act shall be open to all children ; but it shall be lawful for the teachers of such schools to expel or forbid the attendance of any child who from gross misconduct or incorrigi- Schools to be open to all Child.en.

ble disobedience may be considered an injurious or dangerous example to the other scholars, the parents or guardians of such child having, however, the right to appeal to the board.

Religious In-  
struction.

15. Religious instruction may be given in such schools, but shall be free from all controversial character, and shall be imparted at such hours that any parent objecting thereto may be able to withdraw their children from the school at the time when it is given.

Evening  
Schools may  
be established  
for Young  
Persons  
above Twelve  
Years of age.

16. To provide for the education of persons of more advanced age, every teacher shall be required to open an evening school whenever six pupils above twelve years of age offer themselves; but at such evening school it shall be allowed to the teacher to charge a moderate fee for his attendance to such pupils, subject to the approval of the board.

Schools to be  
open to In-  
spection, &c.,  
&c.

17. All schools supported wholly or in part by such rates, or receiving pecuniary aid from the Provincial Government or from the proceeds of lands reserved as aforesaid, shall be open during the school hours to the inspection of the Superintendent, members of the board, clergymen of the district, ratepayers, and at all times to such person or persons as the Superintendent may from time to time appoint to inspect the said schools.

All Moneys  
to be paid to  
Provincial  
Treasurer, &c.

18. The Provincial Treasurer shall be the Treasurer of the Education Board, and all moneys levied or received under the authority of this act shall be paid to him to be appropriated by the board in carrying out the provisions of this act; and the said board may issue their warrants payable by the said Treasurer (such warrants to be signed by the Chairman, for the time being, and any other member thereof, and countersigned by the Secretary of such board) for any sum not exceeding the sum liable at the time to be appropriated by the board.

Rates may be  
sued for in  
the name of  
Board.

19. The Superintendent shall have power to appoint some fit and proper person or persons to be rate-collector or collectors, and all rates in arrear may be sued for by any collector appointed as aforesaid in the name of the Board of Education, and the proof that any person is not liable to pay the same shall rest with such person.

Accounts to  
be kept and  
audited.

20. The board shall, in books to be kept for that purpose, enter true accounts of all sums of money by them received and paid, and of the several matters in respect whereof such sums shall have been received and paid, and all accounts with all vouchers and papers relating thereto, together with a full abstract and balance sheet thereof, signed by three at least of the members of the board, and countersigned by the Secretary to the board, shall at the end of each year be audited by auditors to be appointed by the Superintendent; and a copy of such abstract and balance sheet shall, when audited, and signed by the auditors, be published by the board in the *Provincial Gazette* and in some newspaper circulated in the province.

Board to  
transmit Half-  
yearly Re-  
ports to Su-  
perintendent.

21. It shall be the duty of the board to prepare half-yearly reports showing the condition of the province as regards education, setting forth the number of existing schools, the number of scholars attending these schools, the course of education

pursued in them, and all such other matters as it may be desirable to communicate; and such reports shall be transmitted to the Superintendent of the province as soon as conveniently may be, and be by him laid on the table of the Council at the sessions next ensuing.

22. Nothing herein contained shall render any aboriginal native liable to payment of any rate to be raised under the provisions of this act.

Exemption of Natives from Payment of Rates.

23. The Board of Education established under the authority of this act and their successors shall be deemed and taken to be a Body Corporate, and shall take and bear the name of "The Board of Education for the Province of Marlborough," and by that name shall have perpetual succession, and shall be capable in law to do and to suffer whatever may be lawfully done and suffered by a Body Corporate: and shall have power to purchase such lands and tenements as may be deemed necessary for the purposes of this act.

Board to be a Body Corporate.

24. All lands and tenements purchased by the Board of Education, or which shall become vested in them, shall be held upon trust for the purposes of this act, with full power and authority to dispose of and manage the same for such purposes, provided always that no such lands or tenements shall be alienated by way of sale or mortgage or by lease for any longer term than seven years, except by the authority of an act of the Provincial Council of the Province of Marlborough to be passed in that behalf, nor except by deed signed by at least three members of the board, and sealed with the seal of the board.

Lands vested in Board not to be alienated for more than seven years except as herein provided.

25. This act shall be termed and may be cited as "The Education Act, 1861."

Short Title.

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Passed by the Provincial Council, Marlborough, on Wednesday, the 3rd day of October, 1861.

CYRUS GOULTER.  
Speaker.

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Reserved for the signification of the Governor's pleasure thereon.

W. D. H. BAILLIE,  
Superintendent.

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I hereby assent to this act, this 29th day of November, in the year of our Lord One Thousand Eight Hundred and Sixty-one.

G. GREY,  
Administrator of the Government.