



EDUCATION ORDINANCE,, 1856.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

No. 4.

ANALYSIS.

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ORDINANCE to provide the Means of Education within the Province of Otago. Title.

WHEREAS Secular Instruction should be available to children of all denominations within the Province of Otago; and whereas the reading of the Holy Scriptures and instruction in the principles of religious knowledge are consonant to the opinions, religious profession, and usage of the great body of the people of the said Province: And whereas the means of education within the Province fall far short of what is immediately required;

and its circumstances and increasing population render it expedient that provision should be made for the establishment of Public Schools throughout the Province progressively with the increase of population, and for a system of superintendence and management thereof.

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

Board of Education established.

1. A Board of Education, consisting of the members hereinafter mentioned, shall be, and is hereby established for carrying into effect the purposes of this Ordinance; and on and from the day of the first meeting of said Board, the Members of the said Board shall be, and they and their successors in office shall for ever continue to be a corporation by the name of "The Otago Board of Education," and as such corporation it shall be lawful for them to accept, take, and hold for the advancement or benefit of Education within the Province any lands, buildings, goods, effects, or other property, and to have and to use a common seal; and they shall and may, in their corporate name, or in the name of their Secretary, bring any action and otherwise sue and be sued, and take and resist all proceedings at law and in equity: And in every action or other legal proceeding relating to any such property, it shall be sufficient to lay or state the property to be the property of the Otago Board of Education, or of the Secretary of such Board.

Members of the Board.

2. The Board shall consist of the following persons, viz.:—The Superintendent of the Province for the time being, the Members of his Executive Council for the time being, the Rector or Head Master of the High School of Dunedin, after mentioned, for the time being, and if elected as hereinafter enacted, of two Members of each School Committee, to be appointed as also hereinafter enacted; and so often as a vacancy shall occur by the resignation or death of any Member of said Board so elected by any such School Committee, or from any other cause, such School Committee shall elect another of their Members to fill such vacancy: Provided always that any acts or proceedings done or taken under this Ordinance by the Members of said Board for the time being during any such vacancy, shall, notwithstanding thereof, be valid and effectual; and every Member of said Board shall continue to hold and exercise full powers of office until the appointment of his successor in the office of Member of said Board, notwithstanding that in the case of any Member appointed by a School Committee, such Member may have ceased to be a Member of such School Committee; and an authenticated extract of the Minute or Deed of appointment or intimation thereof in the Government Gazette lodged with the Secretary to the said Board shall be conclusive evidence of the appointment of any such Member.

Secretary to the Board.

3. The Board shall appoint a Secretary, who may be either one of their own number, or some other person qualified, and who shall, under the direction of the Board, keep regular books and minutes of all the proceedings of the Board, and shall, in the performance of his duties, and in all respects be subject to the direction and control of the Board, and shall find such security as the Board shall direct.

The expense of conducting the business of the Board how to be provided.

4. The salary of the Secretary, and the expenses attending the execution of his duties, and the allowances to be given to the Inspector of Schools as aftermentioned, and all the necessary and incidental expenses attending the execution of the duties of the Board, shall be defrayed out of funds to be appropriated by the Superintendent and Provincial Council for educational purposes, and administered by the Superintendent, with the advice and consent of his Executive Council.

Meetings of the Board.

5. The Board shall hold at least two General Meetings in the year, that is to say, in the months of September and March every year, to be intimated

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in such manner as the Board shall direct ; and it shall be lawful for the Superintendent, or any two Members of the Board, at any time to call a meeting thereof ; provided always that written or printed notice of such meeting, and of the purpose thereof, shall be given to the several members of the Board ; and the Board having duly met, may from time to time adjourn to meet at such time and place as they shall appoint.

6. All the orders and determinations of the Board, in the execution of the powers vested in them, shall be exercised at the meetings to be held in pursuance hereof, by the major part of the members who shall be present, the whole number present not being less than three ; and the Superintendent shall be *ex officio* Chairman of the Board ; and in his absence from any meeting, some other Member of the Board shall be appointed Chairman of such meeting ; and the Superintendent or Chairman presiding shall, in case of an equal number of votes, including his own vote, have the casting vote ; and no order or determination once made, agreed upon, or entered into, shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting, and entered in the Book of Proceedings in which such order or determination is entered, and intimated in writing to every Member of the Board not present at such previous meeting, who shall have been present at the meeting at which such order or determination was made, and the like public intimation given as was required to make such order or determination valid.

Proceedings there-
at.

7. The Board, over and above the matters hereby specially committed to their care, shall exercise a general superintendence of all public Schools under this Ordinance within the Province, and shall from time to time make and establish such rules and regulations as they may deem necessary for carrying this Ordinance into effect, and in particular for carrying out a system of inspection of Schools, and for the election of Schoolmasters qualified to impart religious and secular knowledge, and of general ability, and for the election, regulation, and procedure of all School Committees appointed under this Ordinance ; and it shall be lawful for the Board to enforce the observance of all such rules and regulations, provided that the same shall not be inconsistent with the provisions of this Ordinance.

Powers of the
Board.

8. The Board shall have power to name Committees of their own number for the more immediate direction and management of all or any of the matters lawful for the Board, and to give such Committees (whereof three shall be a quorum, if they shall consist of three or more), such instructions and such powers as they shall from time to time think fit and expedient ; and the regulations hereinbefore enacted relative to the meetings and adjournments, majorities, orders and determinations, powers, and authorities of the Board, shall, in like manner, apply to and affect all such Committees.

Board may name
Committees.

9. There shall be established in Dunedin, under a Rector or Head Master, of superior attainments, and well qualified assistants as they may be required, a Public School to be called the "High School of Dunedin," which shall be conducted on the principles in the art of teaching most approved and adopted in the best Schools of Great Britain, it being designed that it shall serve as a model to other Public Schools to be established within the Province ; and at the aforesaid School not only the usual branches of a good elementary English education shall be taught, but also those higher branches of knowledge, the acquirement of which constitutes a liberal education ; and said School shall be open to both male and female scholars, and arrangements shall be made for the advanced male and female classes being taught separately.

A High School to
be established in
Dunedin.

10. The Board shall erect the localities wherein a population has already settled, or may hereafter settle, into Educational Districts ; and there shall be so many of such Educational Districts within the Province as the Board

Educational Dis-
tricts to be erected,
and Schools esta-
blished therein, and

to be placed under the charge of Inspectors.

shall from time to time with the increase of population think fit to erect; and one or more Public Schools, according to the amount of population, its want of Schools, and the means of maintaining the same, shall be established within every such District, and every such District shall be placed under the charge of an Inspector or Inspectors.

Appointment and duties of Inspectors.

11. The Board shall annually appoint Inspectors of such Districts and Schools who may be members of the Board, or other persons deemed by the Board to be qualified for the duty, and who shall have allowances for their trouble; and such Inspectors shall be subject to the direction and control of the Board, who shall issue to such Inspectors from time to time such orders and instructions as they may think fit; and it shall be the duty of such Inspectors to visit and inspect the Public Schools within every District assigned to them respectively, and to investigate and report on the educational condition of every such District in such manner, and according to such rules, as the Board shall appoint; and such Inspectors shall respectively make an annual report to the Board upon the state and means of education within every District so assigned to them; and shall also from time to time, as the Board shall direct, report to the Board upon any special matters, respecting which the Board may desire to be informed, in such manner as the Board shall prescribe.

Annual Report to be made by the Board and laid before the Provincial Council.

12. On or before the fifteenth day of October, 1857, and on or before the like period in every succeeding year, the Board shall, through the Superintendent of the Province, lay before the Provincial Council a report as to the transactions of the Board up to the thirtieth day of September immediately preceding; and in such annual reports the Board shall state the number of Schools in every Educational District within the Province, the statistics of School attendance at such Schools, the proportion of such attendance to the population of the District, the number of Schools which have been established under this Ordinance, and the number of additional Schools which may be required; the Districts and localities wherein the same have been established or are required, and what changes or alterations have taken place in regard to these matters since their last report, so as to exhibit yearly a complete account of the state of education within the Province, and accurate details in regard to any want of education which may exist therein.

In any District in which a School is required, a meeting of inhabitants and others to be called for resolving in regard to the proposed measure.

13. Whenever the Board have ascertained to their satisfaction, either upon the report of an Inspector of Schools or otherwise, that no means of Education exist in a locality or District, or that the means of education therein are inadequate, and that a Public School or Schools is or are required therein, the Board shall call a meeting, which shall be advertised as they may think fit, of the persons residing within the district liable to assessment as hereinafter enacted for the purpose of considering such proposed measure; and such meeting shall be attended by a Committee of the Board, including any Inspector on whose report the proceedings may have ensued (if they have ensued on a report); and such Committee shall give any explanations which the meeting may require in regard to the measure; and it shall be in the power of such meeting, by the votes of a majority then present, to resolve in regard to what steps shall be taken towards establishing and maintaining a Public School under this Ordinance within their District, and to give such instructions as they shall think fit to the School Committee to be appointed as after mentioned.

And appointing a School Committee.

14. At said meeting, or at an adjourned meeting, the majority of the persons liable to be assessed present thereat shall elect seven persons liable to the assessment, who, with other three such persons to be elected by the Board, if the Board shall think fit, shall form a School Committee; and such School Committee shall continue in office for one year from the date of their election, and thereafter until a new School Committee shall in like manner be appointed; it being lawful to re-constitute the School Committee annually at any

annual meeting of the persons liable to the assessment called under this Ordinance.

15. The Board shall communicate with the School Committee of the District wherein a Public School is to be established, with a view to the acquiring, completing, or erecting of proper buildings for a School House and Schoolmaster's House, and obtaining plans and proper estimates of the expense thereof, and contracting for the same; and the School Committee shall assist in making the necessary arrangements for procuring all the requisite accommodations for such School: And the selection of the Schoolmaster, and the regulation of all matters pertaining to the general management of the School shall be vested in the School Committee, provided that if in any School the provisions of this Ordinance are not faithfully carried out, it shall be in the power of the Board to appoint a special examination of such School, and to give such orders thereon as they may think proper.

Duties of School Committees.

16. Any member of a School Committee may convene a meeting of such Committee by circular letter addressed to the members thereof; and each member of such Committee present at any meeting thereof shall be entitled to a vote, and the majority of votes shall regulate; and the members present at any meeting shall appoint a chairman of such meeting, who, in case of an equal number of votes, including his own vote, shall have the casting vote; and three members of a School Committee shall constitute a quorum, and be entitled to execute all the powers conferred on such Committee by this Ordinance.

Meetings of School Committees.

17. The buildings and accommodations to be provided for the service of a Public School to be founded under this Ordinance shall include, where practicable, a commodious School-house, with suitable maps, plans, and other furnishings; a dwelling-house for the Schoolmaster, consisting of at least three apartments, together with a piece of ground not exceeding ten acres in extent, properly fenced, and as near to the dwelling-house as conveniently may be; and the cost of such buildings and accommodations shall be defrayed by the Board out of funds to be appropriated by the Superintendent and the Provincial Council for educational purposes.

School and Schoolmaster's House. Cost thereof how to be defrayed.

18. Every candidate for the office of Schoolmaster in any Public School shall produce a certificate signed by a minister of the denomination to which he belongs, attesting his religious and moral character, and shall be subjected to such examination as may be prescribed by the Board; and no person shall be inducted as such Schoolmaster until he shall have passed such examinations, and have obtained and produced to the School Committee a certificate by the Board approving of his appointment; and such examination shall be open to the School Committee, who may suggest such questions as they may think fit, except in the case of Schoolmasters who shall have been selected and appointed in Great Britain under authority of the Board.

Examination and inducting of Schoolmasters.

19. The yearly salary of the Rector or Head Master of the High School of Dunedin shall not be less than £200, and of every other Public Schoolmaster under this Ordinance shall not be less than £100, and of the Female Teacher at Dunedin hereinafter mentioned shall not be less than £100, all payable quarterly; and all of the said teachers shall be entitled to levy fees from scholars, their parents or guardians, at such rates, and payable at such terms, as the Board shall determine, and shall be bound to impute the fees so levied *pro tanto* of their respective salaries, and shall be entitled to any fees so levied or drawn by them above the amount of their said salaries; provided always that it shall not be lawful for them to demand or receive, and they are hereby prohibited from demanding or receiving any other fees or higher rate of fees than the Board shall authorise, and any such teacher contravening this enactment shall be liable to censure, and to a penalty of double the amount of the fees received; and after conviction by the Board of the first offence may be deprived of office according as the Board shall determine.

Their salaries.

- To be paid by assessment. From whom, and how assessment to be levied.
20. The salaries of Public Schoolmasters under this Ordinance shall be yearly assessed upon the male persons residing within the Province of the age of twenty-one years and upwards; and the yearly rate of said assessment shall be of such amount as the Board shall yearly determine, but shall not in any one year exceed the rate of twenty shillings per head of the persons liable for the same; and shall be yearly laid on and collected, and if necessary may be sued for, in such manner as the Board shall from time to time direct; and if any person shall refuse or neglect to pay the same for the space of thirty days after the same has become payable, and been demanded by public general notice in the Government Gazette, or a newspaper, or in any other manner from time to time appointed by the Board, there shall be added to the sum due five shillings; and the collector shall not accept of payment of the original sum without payment also of the said additional sum; and it shall be lawful for such collector and his assistants, without any action or suit, or further intimation to the person liable, but simply by virtue of a warrant under the hand of any two Justices of the Peace, which they are hereby empowered to grant, to levy the amount due, together with any reasonable expenses incurred by distress and sale of the goods and chattels of the person liable.
- May be dismissed in case of delinquency.
21. It shall be competent for the Board, on complaint of any two heads of families, being parents or guardians of children attending a Public School under this Ordinance, charging the Schoolmaster with crime or moral delinquency, or whenever the Board shall otherwise see reason, after due enquiry and consideration of any statement which such Schoolmaster may make in his defence, to censure, suspend, or deprive him as they may think fit.
- Or in case of teaching religious opinions at variance with the Holy Scriptures.
22. If a complaint shall be presented to the School Committee by any two male heads of families, being parents or guardians of children who attend any Public School under this Ordinance, accusing the master of such School with teaching religious opinions at variance with the doctrines of the Holy Scriptures, the School Committee shall, with the sanction of the Board, and with such assistance as the Board shall direct, enquire into such complaint; and if it shall be proved that the Schoolmaster has taught such opinions, or has persevered in doing so after remonstrance, the School Committee may censure, suspend, or deprive the Schoolmaster as they may think fit; provided always that every such sentence shall be approved by the Board.
- Hours for religious instruction.
23. Every School Committee under this Ordinance shall appoint certain stated hours for ordinary religious instruction by the Schoolmaster, at which children shall not be bound to attend if their parents or guardians object.
- Parents and guardians may visit the Schools.
24. All parents and guardians of children attending any Public School under this Ordinance shall be entitled to visit such School at such hours and under such rules and regulations as may from time to time be prescribed by the School Committee, with the sanction of the Board.
- Female Teachers to be appointed.
25. There shall be a Female Teacher connected with the High School of Dunedin, and it shall be lawful for any School Committee, subject to the approval of the Board, to appoint a female assistant to any Schoolmaster, for imparting instruction to female scholars in such accomplishments as the School Committee shall think fit, and to fix the salary of such female assistant, which shall be paid out of fees and the funds to be raised by annual assessment as hereinbefore mentioned.
- Meetings of persons liable to be assessed.
26. A meeting of the persons assessed, or liable to be assessed, under this Ordinance in each District, shall be held in each District upon some day in the month of October in each year, at such time and place as may be fixed by the Board, who shall annually give such public notice of such meeting as they may think fit; and meetings of said persons may be called from time to time, with public notice as aforesaid, by the Board on their own motion, or on requisition of any two or more of such persons, and may be held at such

place as may be mentioned in such notice, and at such time as may be appointed therein, not being less than two nor more than four weeks from the date of such notice; and every such meeting may adjourn from time to time; and at all such meetings of the persons assessed, or liable to be assessed under this Ordinance, each such person present thereat shall be entitled to vote; and every such meeting shall elect a chairman, who shall be entitled both to a deliberative and a casting vote, and may also elect a clerk, and every such election of chairman or clerk, and every act or resolution of such meeting shall be carried or otherwise disposed of according to the majority of the votes of the said persons present thereat.

27. On or before the fifth day of October, 1857, and on or before the like period in every succeeding year, the Board shall make, and, through the Superintendent of the Province, transmit to the Provincial Council an estimate of the sums which they consider will be requisite for the purposes of this Ordinance (in so far as the same do not fall to be provided for by the fees and assessment hereby authorized) during the then current year, that is to say, from the first day of October preceding to the thirtieth day of September following; and such estimate shall form part of the annual report hereinbefore directed to be transmitted by the Board to the Superintendent, to be laid before the Provincial Council; and shall set forth in a separate and distinct manner the particular purposes for which the sums therein contained are required. Annual estimate of money required.

28. This Ordinance shall be termed, and may be cited as the "Education Ordinance, 1856." Short title.

Passed the Provincial Council this 14th day of March, 1856,
 JAMES MACANDREW, ROBT. CHAPMAN,
Speaker. Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the
 Eighteenth day of March, One Thousand Eight Hundred
 and Fifty-six.

W. CARGILL,
Superintendent.