



# THE WESTLAND EDUCATION ORDINANCE, 1874.

ANNO TRICESIMO SEPTIMO  
VICTORIÆ REGINÆ.

AN ORDINANCE TO MAKE PROVISION FOR EDUCATION IN THE  
PROVINCE OF WESTLAND.

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Preamble.

**W**HEREAS it is expedient to make provision for Education in the Province of Westland,

BE it therefore enacted by the Superintendent of the Province of Westland, by and with the advice and consent of the Provincial Council thereof, as follows :—

Title.

1. The Short Title of this Act shall be “The Westland Education Ordinance, 1874.”

Repeal.

2. The following Canterbury Ordinances, in the second Schedule to “The County of Westland Act, 1868,” viz., “The Education Ordinance, 1864,” “The Education Ordinance Amendment Ordinance, 1865,” so far as the same apply to the Province of Westland, and “The Westland Board of Education Ordinance, 1867,” are hereby repealed.

Educational Districts.

3. For the purposes of this Act Educational Districts shall be constituted within the Province of Westland, and such Districts shall have the like names and boundaries as the various Road Board Districts and Municipalities set out in the Schedule to this Act.

Education Board

4. There shall be in the said Province a Central Board of Education constituted as hereinafter mentioned, bearing the name of “The Central Board of Education of the Province of Westland,” and the said Board shall be a body corporate, having 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.

District School Committees to be elected.

5. In every Educational District, constituted under this Act, there shall be a local Committee, consisting of six ratepayers, any three of whom shall be a quorum, with power, subject to the approval of the Board, to appoint duly qualified teachers, and to superintend the working of the schools in each District.

First election of Committee.

6. The ratepayers in each Educational District established under this Act shall on one day in the month of October, one thousand eight hundred and seventy-four, at a time and place in each District to be fixed and appointed for that purpose by the Superintendent, elect six ratepayers to form the Local Committee for such District, and for the purposes of the first election of Local School Committees under this Act, the roll of rate-

payers in force in such Districts for the time being shall be and form the roll for such purposes.

7. Whenever any new District shall be established after the passing of this Act, the ratepayers in every such District shall, on a day and at a time to be fixed for that purpose by the Superintendent, elect six ratepayers to form the Local Committee for such District.

Election of Local Committees for new Districts.

8. Three of the members of every Local Committee shall retire annually. The members retiring at the end of the first year shall be determined by such 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.

Three members of District School Committee to retire annually.

9. Any member of the Local Committee who shall absent himself from the meetings of such Committee without leave, for three successive months, shall cease to be a member of the Committee.

Members not attending, seats have to become vacant.

10. An election of members to fill up the vacancies occasioned by the annual retirement of members in the Local Committee shall take place during the second week of the month of October in each year, at a time and place to be fixed by the Superintendent as aforesaid.

Election to fill Vacancies.

11. Whenever two vacancies shall occur in any Local Committee, such Committee shall signify the same to the Superintendent, who shall, as soon as conveniently may be, summon a meeting of the ratepayers of the District for the purpose of electing persons to fill such vacancies; and any member who shall be so elected shall hold office so long only as the person in whose stead he shall have been elected would have been entitled to retain such office.

Vacancies to be filled up.

12. In case the voters in any District shall at any meeting called for that purpose neglect or omit to elect a Local Committee, or to fill up the vacancies therein, as the case may be, or in case no meeting shall be held it shall be lawful for the Superintendent to appoint a Committee for the District, or to fill up the vacancies therein from the voters of the District, and such Committee shall have the same powers and authorities as if it had been elected by the voters of the District.

Superintendent may appoint Committees for Districts omitting to elect Committees.

13. Accounts in detail of the expenditure of all moneys received by the Local Committee for each district, certified as correct by the chairman and two members of the Local Committee for the District, shall be sent to the Central Board of Education, and a copy of such accounts shall at each annual election be fixed in some conspicuous part of the room or place in which such election shall take place.

Accounts to be sent to Central Board.

14. For raising the necessary funds for establishing and maintaining District Schools, and for otherwise carrying out the provisions of this Act, there shall be levied yearly upon every householder in each District constituted under the authority of this Act, a varying householders' rate according to the net annual value of the tenement occupied

Rates to be levied

by the householder; that is to say, if the tenement be of the net annual value of ten pounds or less, a uniform rate of ten shillings in the year, but if the net annual value of the tenement exceeds ten pounds, and does not exceed fifty pounds, a uniform rate of twenty shillings, and if the net annual value of the tenement exceeds fifty pounds, a uniform rate of thirty shillings, and a further sum of five shillings for every child of such householder between the age of five 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 any school not so established in respect of whom such person shall produce to the Collector a certificate signed by the teacher of such last mentioned school, showing that such child has attended such school for three months previous to the levying of the rate. The net annual value of the tenement shall be ascertained from the assessment rolls for the year in which the rate is collected of the Municipalities or Road Board Districts in which such tenement is situated. Provided that where no assessment roll exists in any such Municipality or District, or where any such tenement does not appear on any assessment roll, the value of such tenement shall be fixed by the Collector.

Rate Collectors to be appointed.

15. The rate shall be paid by the person 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, nor more than nine months from the day so appointed for the payment of the rate, and if the rate or any part thereof shall not be paid on the day so fixed for that purpose, the same may be recovered in a summary manner before any Justice or Justices of the Peace.

Local Committees may excuse persons unable to pay rates.

16. Provided always that it shall be lawful for the Local Committees for the District to excuse any person from the payment of such rate who may be deemed unable through poverty to pay the same, by furnishing the Superintendent with a list of persons so excused, before any legal proceedings are taken for compelling payment of the same.

Rates may be sued for in the name of the Central Board.

17. All rates in arrear may be sued for in the name of the Central Board of Education, and it shall be lawful where the amount for which any householder may be liable is unknown to the Collector to sue for the full sum of two pounds, and the proof that any person is not liable to pay the same shall rest with such person.

Special rates may be levied in certain cases.

18. Whenever two-thirds of the householders in any District or part of a District liable to be rated as hereinbefore provided, shall by memorial request the Superintendent to cause to be levied in such District or part of a District a special rate for the purposes of erecting a school or paying teachers, it shall be lawful for the Superintendent to cause to be levied a special rate upon all householders being parents of children between the age of five and fourteen in the District or part of a District, as the case may be, not exceeding in amount the rate hereinbefore authorised to be levied, such special rate shall be levied

only upon those persons who are liable to the ordinary rate for children, and shall be paid at the same time and to the same person as the ordinary rates. And whenever any such special rate shall be specified to be for the payment of the salary of any teacher the same shall be levied annually, until two-thirds of the ratepayers in such District or part of a District shall present a memorial to the Superintendent requesting him to discontinue such special rate.

19. Any such special rates in arrear may be recovered in the same manner, and the Local Committee for each District shall have the same power of excusing persons from the payment of such special rates as hereinbefore provided for ordinary rates.

Special rates may be recovered or excused in the same manner as ordinary rates.

20. All moneys raised by special rates shall be expended by the Local Committee for the District in which the same shall be levied upon the objects specified in the memorial, in accordance with the principles and provisions of this Act: Provided always that if it shall at any time appear to the Central Board of Education that any such committee is about to expend or has expended any of the said moneys in a manner inconsistent with the principles and provisions of this Act, it shall be lawful for the Central Board to withhold from such committee any sum or sums of money at its disposal which it would otherwise have paid to such committee.

Special rates to be expended by Local Committee of the District.

21. All moneys levied or received under the authority of this Act shall be paid to the Treasurer of the Province, to be appropriated by the Central Board in carrying out the provisions of this Act except as is otherwise hereinafter provided, and the said Board may issue its warrants (such warrants to be signed by the Chairman for the time being and any two other members thereof, and countersigned by the secretary) for any sum not exceeding the sum liable at the time to be appropriated by the Central Board.

All moneys to be paid to Provincial Treasurer, and appropriated by Central Board.

22. The Central Board shall consist of one person to be elected annually on or before the fifth day of November by each of the Local Committees, and one person to be appointed by the Superintendent, who shall be a member of the Executive Council of the Province, and five of whom shall be a quorum, and such Board shall continue in office until a new Board shall be elected.

Election of Central Board.

23. The Central Board shall continue in office until the fifth day of November in each year, on which day, at noon, the newly-elected Board shall meet, and the old Board shall then deliver over to its successor all books, papers, accounts, and balances of moneys in its possession.

How long Central Board to continue in office.

24. Every Local Committee shall have power at any time to revoke the appointment made by such Committee of a member of the Central Board, and to appoint another member in his place.

Local Committees may revoke appointments of members of Central Board.

25. All lands and tenements purchased by the Central Board of Education, or which may become vested in them, shall be held upon trust with full power and authority to dispose of and manage the same for the purposes of this Act: Provided always that no such lands or

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

tenements shall be alienated by way of sale or mortgage, nor by lease for any longer term than fourteen years, except under the authority of an Act of the Provincial Council of the said Province to be passed in that behalf, nor except by deed signed by at least four members of the Central Board, and sealed with the seal of the Board.

Property to be vested in new Central Board when constituted. 26. All lands, tenements, and other property now vested in the Board of Education already established, shall become vested in the Central Board of Education to be constituted under the authority of this Act, as soon as such last-mentioned Board shall be constituted.

Accounts to be kept and audited. 27. The Central 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 or balance sheet thereof, signed by three at least of the members of the Board, shall at the end of each quarter be audited by the Provincial Auditor, and a copy of such abstract or balance sheet, shall, when audited, be published by the Central Board in some newspaper circulating within the Province.

Central Board to transmit Yearly Reports to Superintendent. 28. It shall be the duty of the Central Board to prepare yearly reports showing the condition of the Province as regards education, setting forth the number of existing schools, the number of scholars attending these, the course of instruction pursued by them, and all other such matters as may seem to be of interest and desirable to communicate. And such reports shall be transmitted to the Superintendent of the Province as soon as conveniently may be, and also to the Speaker of the Provincial Council to be by him laid on the table of the Council at the Session next ensuing.

Secretary and Inspector may be appointed. 29. The Central Board shall have power from time to time to appoint a Secretary and an Inspector of Schools, and to pay such Secretary and Inspector such reasonable remuneration as it may think fit, and at any time to remove such Secretary and Inspector: Provided that no such appointment shall be made without the approval of the Superintendent.

Central Board may constitute new Districts. 30. The Central Board, subject to the consent of the Superintendent, shall have power from time to time to constitute new Educational Districts, and to alter the boundaries of any Educational Districts.

Central Board to distribute moneys among District Schools. 31. The Central Board shall have power to distribute among the District Schools all ordinary rates levied under the authority of this Act, and moneys voted by the Provincial Council for educational purposes (unless it shall be otherwise specified in such vote), and also any sums which may from time to time accrue from any lands reserved for the purposes of general education.

Central Board may erect schools, &c. 32. The Central Board shall also have power to purchase, erect and maintain schools, and to provide books for the scholars gratuitously, or at cost price, and also maps and other requisites for the use of schools, and

to erect and keep in repair dwelling-houses for the teachers, and to pay the teachers such salaries as the Board shall deem fit, and in the event of any Local Committee neglecting or refusing to appoint a teacher in any Educational District, the said Board may appoint such teacher, and make such other provisions as they may think necessary for the maintenance of such schools, but the Central Board shall in no case be required to supply funds or to pay the salary of any teacher or teachers that may not be discharging their duties in strict compliance with the provisions of this Act.

33. It shall be lawful for the said Board upon such terms and conditions as they shall think fit to provide teachers for any parts of the Province not included within Educational Districts. Teachers may be appointed.

34. The Central Board or their Inspector shall have power to examine any person who shall be a candidate for the office of master or teacher of any school established under this Act, and to grant a certificate of competency to any person whom they shall deem competent to fill such office: Provided always that no person shall receive such certificate against whose moral character there shall be any proved cause of complaint, and no person shall be appointed or act as master or teacher of any school established under this Act unless he shall hold such certificate. Central Board may examine candidate for the office of master or teacher.

35. The Central Board shall also have power to cancel teachers' certificates, or remove any teacher against whose moral character any complaint shall be proved. Teachers may be removed.

36. It shall be lawful for the Central Board to make rules for regulating the meetings and proceedings of the Board not inconsistent with the provisions of this Act. Central Board may make by-laws.

37. All schools maintained wholly or in part by rates levied under this Act shall be open to all children not being under five years of age, without fee or payment 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 an injurious or dangerous example to the other scholars, the parents of such child having a right to appeal first to the Local Committee, and finally to the Central Board. Schools to be open to all children.

38. Any religious instruction given in such school shall be free of all controversial character, and shall be imparted before or after ordinary school hours, that any parents objecting thereto may be able to withdraw their children from the school at the time when such instruction is given. Religious instruction to be given when to be given

39. All schools supported wholly or in part by rates levied under this Act, or receiving pecuniary aid from the Provincial Government, or from the proceeds of lands reserved as aforesaid, shall be open at all times to the visits of parents of children attending the same, and to the inspection of any member of the Local Committee, or Central Schools to be open to Inspectors.

Board, or Inspector of Schools, and shall be subject to such Regulations as the Central Board may from time to time make.

Assistance may be given to Schools in certain cases.

40. Whenever any school shall have been established in any Educational District, and any number of ratepayers resident in such district contributing not less than fifty pounds per annum to the rates levied under the said Act in such district, shall have appointed a committee of five persons for the management of school, and provided a sufficient school-room to the satisfaction of the Central Board, and shall signify in writing to the Central Board their desire to be constituted into a separate body for educational purposes, it shall be the duty of the Central Board from time to time, so long as such school shall continue, to pay over to the committee for the time being, the amount to be thereafter contributed by such ratepayers, after deducting the expenses incurred in collecting the same; and it shall be lawful for the Central Board to grant such additional aid in books, school apparatus, and money, as to the Central Board shall seem expedient: or at the option of the committee, such additional aid may be granted in money only, inclusive of the value of such books and school apparatus, as would otherwise be supplied by the Central Board: Provided always that every such school shall be open to all children between the ages of five and fourteen years, without fee or payment, and to the inspection in the same manner as other schools established under this Ordinance, and any religious instruction given in such school shall be imparted at such hours that parents objecting thereto may be able to withdraw their children from the school at the time when it is given, and no such rates or grants shall be paid to the committee as aforesaid, unless secular instruction shall be imparted in such school to the satisfaction of the Central Board.

Board may withdraw grant in certain cases.

41. It shall be lawful for the Board to withdraw, either wholly or in part, the grant payable in respect of any school in cases where it shall appear to the Board that any of the provisions of this Act have been contravened, where the teacher is incompetent, or otherwise unsuitable, where the school apparatus is defective, or where the school generally is inefficiently conducted.

Power to Superintendent to make regulations for the conduct of elections.

42. The Superintendent is hereby authorised to make such regulations as may be expedient for the conduct of all elections under this Ordinance.

Interpretation.

43. The words "The Board" and "The Central Board" wheresoever mentioned in this Ordinance shall be deemed to mean "The Central Board of Education of the Province of Westland."

## S C H E D U L E .

### PAROA ROAD DISTRICT.

Commencing at a point on the sea coast one hundred and sixty chains and eighty links to the southward of the South Spit at the mouth of the River Grey thence easterly along the southern boundary of the Greymouth District hereinafter defined one hundred and fifteen chains and fifty links thence northerly along the eastern boundary of the



last-named district to the River Grey thence easterly along that river to the junction with it of the Arnold River thence up the Arnold River to Lake Brunner and along the boundary of the Province of Nelson to the source of the Teremakau thence following down the northern bank of the Teremakau to the coast and along the coast to the commencing point.

#### ARAHURA ROAD DISTRICT.

Commencing at the mouth of the Teremakau up that river to its source thence southerly along the dividing range to the source of the Arahura River thence following down the southern bank of that river to the sea coast and northwards along the coast to the commencing point.

#### KANIERI ROAD DISTRICT.

Commencing at the mouth of the Arahura River up the southern bank of that river to its source thence southerly along the dividing range to the source of the Kokatahi thence down the southern bank of that river to its junction with the Hokitika River thence southerly up the western bank of Hokitika River to line HO thence westerly down line HO to Mahinapua Lake and by a line touching the northern bank of the said lake to the sea coast and northerly along the coast to the commencing point excepting the town of Hokitika.

#### TOTARA ROAD DISTRICT.

Commencing at the source of the Kokatahi River thence down the southern bank of that river to its junction with the Hokitika River thence southerly up the western bank of Hokitika River to line HO thence westerly down line HO to Mahinapua Lake and by a line touching the northern bank of the said lake to the sea coast thence southerly along the coast to the Wanganui River thence up the said river to its source and northerly along the dividing range to the commencing point.

#### OKARITO ROAD DISTRICT.

Commencing at the mouth of the Wanganui River thence up the said river to its source thence along the dividing range to the boundary of the Province of Otago, following the said boundary to the coast and northerly along the coast to the commencing point.

#### HOKITIKA MUNICIPAL DISTRICT.

Comprising the town of Hokitika being all that parcel of land containing six hundred and forty acres more or less situate on the Hokitika River commencing at a point on the high bank of the old bed of the aforesaid river the said point being forty chains forty links west of Trigonometrical Station No. 31 thence following a line bearing north twenty degrees fourteen minutes east (magnetic) a distance of sixty-two chains sixty-five links thence westerly at a right angle a distance of eighty-five chains forty links to the sea beach following the said beach southerly to the mouth of the Hokitika River and from thence returning along the northern bank thereof and the high bank of the old river bed above-mentioned to the commencing point and also all that parcel of land containing six hundred and forty acres more or less situate on the Hokitika River bounded on the northward by Reserve No. 271 (in red) on the westward by the sea on the east by section No. 8238 and a line in continuation of the western boundary thereof and on the southward by a line at right angles to the last described boundary and about one hundred and thirty chains distant on the average from the Reserve above-mentioned.

#### GREYMOUTH MUNICIPAL DISTRICT.

Comprising the town of Greymouth being all that parcel of land commencing at the South Spit at the mouth of the River Grey bounded on the west by a line of one hundred and sixty chains and eighty links extending along the beach from the South Spit aforesaid thence along the South Town Belt one hundred and fifteen chains and fifty links thence along the East Town Belt one hundred and twenty chains and ninety links thence along the Native Reserve No. 31 for a distance of forty-one chains and thirty links to the River Grey and thence along the River Grey to the sea.