

Digest.

Under the Department there are School Boards elected in, and for, each district;¹ and managers² of voluntary schools.

Boards and their powers to make by-laws, &c.

These Boards somewhat correspond to School Boards and School Committees in the Colony;³ and have, subject, however, to the approval of the Department, powers of making by-laws relating to religious teaching, compulsory attendance,⁴ &c., and of borrowing money for the providing, or enlarging, &c., of schoolhouses;⁵ and, without reference to the Department, the power of requiring payment out of, or levying, rates to cover deficiencies in income.⁶

By-laws, however, relating to religious teaching and attendance can only be made subject to the clauses in the Act which protect religious liberty, and prohibit sectarian teaching in Board schools.

Powers of delegation by Boards. School Attendance Committee. System.

The powers, excepting the one relating to the raising of money, may be delegated to a body of managers of not less than three persons;⁷ and, if a school district be not within the jurisdiction of a Board, there is provision enabling the appointment of a "School Attendance Committee."⁸

The system is founded on the principle expressed in section 4 of the 1876 Act, that "it shall be the duty of the parent of every child to cause such child to receive elementary instruction in reading, writing, and arithmetic;⁹ and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act."¹⁰

Classes of elementary schools.

The ordinary elementary day schools receiving State aid¹¹ are of two classes:—

- (1.) Voluntary¹²—controlled by religious denominations, or other managers,¹³ but which receive an annual grant from the Government;¹⁴ and
- (2.) Board¹⁵—managed by the Boards; which receive an annual grant, and also the amount derived from local rates claimed, or levied, by the Boards in their respective districts.¹⁶

The former class comprises nearly seventy-six per cent. of all State-aided elementary day schools in England and Wales;¹⁷ but in order to obtain grants the schools must be conducted in accordance with the conditions required to be fulfilled by all elementary schools in Great Britain receiving State aid.¹⁸

Religious instruction provisions.

Religious feelings are protected, and a statutory provision called "the conscience clause" applies equally to voluntary State-aided and Board schools;¹⁹ but the former are not fettered

¹ See Eng. Act, 1870, ss. 10 and 14–39 (except s.s. 10 of s. 37) and 63–6, and 2nd and 3rd schedules (except 1, 3, and 15 of 1st part of 2nd schedule, and part of clause 6 of 3rd part); 1873, ss. 6–9, and 2nd and 3rd schedules; 1876, ss. 41 and 44, and 3rd schedule, and compare with N.Z. 1877 Act, ss. 13–24, and especially 35, and 1885 Act, ss. 3–5.

Note presence of ladies on Boards, recommended G.R., 1882–83, p. 282. The text applies strictly to Scotland; but there are some exceptions in England.

² For interpretation of term see 1870 Act, s. 3, and compare with N.Z. 1877 Act, s. 98.

³ Compare with N.Z. 1877 Act, secs. 35 and 58–78, and 1885 Act, ss. 3–5.

⁴ Eng. Act, 1870, s. 74. Note, for instance, London by-laws of 17 May, 1879, arrangements for carrying into force, and instructions of 9 Nov., 1882, *re* enforcement.

For other instances see G. R., 1883–84, pp. 97–100, and compare with N.Z. 1877 Act, s. 84, ss. 2; and ss. 95, 89–94, and 1885 Act, ss. 6–8.

⁵ (a) Eng. Act, 1873, s. 10, and
(b) G. R. 1885–86, p. vii.

Up to 1 April, 1886, 6,459 loans had been sanctioned, amounting to £18,452,556 15s. 1d. to 1,765 School Boards, by means of which accommodation will be furnished for some 1,489,729 scholars. The estimated cost per child is thus £12 7s. 8d.; but the amount of the loan applied for is generally in excess of the sum eventually spent. G. R., 1885–86, p. vii.

⁶ See Eng. Act, 1870, s. 54.

For hand-books on Code, note one by Mr. Heller, Bemrose and Son, Lond., and one by Mr. Moss, Cassells, Lond., 1886.

⁷ E. Act, 1870, s. 15.

⁸ E. Act, 1876, secs. 7 and 21; and G.R., 1885–86, p. xxvii.

⁹ See Prof. Max Müller's remarks, "Times," 23 Sept., 1884; and Chief Justice Dobson's Address respecting Tasmania, *infra*, p. 15, n. 4, and "The Education Act, 1885," sec. 14, Tasmania.

¹⁰ E. Act, 1876, secs. 12 and 13. See also Act, 1870, s. 74, ss.

4, and 1873, secs. 23 and 24. Compare with N.Z. 1877 Act, ss. 92–94, and 1885 Act, ss. 6–8.

¹¹ See E. Act, 1870, s. 3, and Code Arts. 3, 4 for definition.

¹² See—

(a) Return for year ending 31 Aug., 1885. G.R., 1885, p. v.

(b) Classification G.R., 1883–84, p. 181, and 1885–86, p. vi.

(c) Official Cat. Health Exh., 1884, Education, pp. xlvii. and 27.

(d) "Times," 11 Aug., 1884.

(e) G.R., 1882–83, pp. 225, 226, and 1883–84, pp. 323 and 432, and compare N.Z. 1877 Act, s. 88.

¹³ See—

(a) E. Act, 1870, s. 97, and

(b) Classif. and Offic. Cat. as above.

¹⁴ See Code Arts. 87–105, and note N.Z. Act, 1877, s. 88.

¹⁵ G.R., 1885–86, pp. iii.–v.

¹⁶ See E. Act, 1870, secs. 53, 54. The London school rate has now reached 8½d. in the pound, whilst in some towns the tax has mounted to 2s. See "Board Schools and Criminal Statistics," "Sat. Review," 6 Feb., 1886.

¹⁷ G.R., 1885–86, p. v. The figures are 14,600 and 4,295. Compare with—

(a) Offic. Cat. as above.

(b) N.C., Nov., 1884, art. by Mr. S. Buxton, M.P.

(c) Official Year Books of Ch. of Eng. Soc. for Promoting Christian Knowledge, 1885 and 1886.

In respect of Scotland, however, it should be remembered that it has as a basis the National system, established since the Reformation, with the Voluntary system grafted upon it; whilst in England the reverse is the case. In Scotland the Voluntary system is practically confined to Roman Catholics and Episcopalians. Denominational education there is a very minor matter compared with the 76 per cent. in England and Wales.

¹⁸ E. Act, 1870, sec. 7, ss. 4, and secs. 96, 97 (except as amended by 1876 Act, ss. 19, 20); and Code, Arts. 1–4, 87–105, and espec. 4 and 88.

¹⁹ E. Act, 1870, secs. 7 and 96.