

1894.

NEW ZEALAND

EDUCATION: CASE OF WRIGLEY V. FISHER

(CORRESPONDENCE BETWEEN THE TE RAHU SCHOOL COMMITTEE AND THE AUCKLAND
EDUCATION BOARD RELATING TO).

Laid on the Table by Leave of the House.

Education Board, Auckland, 7th August, 1894.

THE following correspondence is published for the information of School Committees.

By order of the Board.

VINCENT E. RICE, Secretary

SIR,—

Te Awamutu, 30th July, 1894.

The case *Wrigley v. Fisher*, tried recently at the Supreme Court, places School Committees in a position so critical that this Committee respectfully asks your Board's written decision for their guidance. Heretofore Committees deemed that your Board was the arbiter of their official conduct as well as that of the teachers. The results of the case quoted above show that your Board do not consider such to be the case and Committees find themselves confronted—in spite of their office, and in the *bonâ fide* execution thereof—with all the penalties of both civil and criminal law. According to this ruling, Committees will certainly decline to take any action against a teacher, no matter how just or how patent may be the grounds for doing so and this Committee would not feel justified in communicating to your Board touching any wrongful acts which teachers in their district might be guilty of, seeing that they are in no way privileged in the performance of such a duty, but ever have the law of libel hanging *in terrorem* over them. Why School Committees, as well as Judges on a judicial bench, should not be privileged in the *bonâ fide* execution of their duty seems inexplicable, since the former have duties as onerous, albeit humbler, and, moreover, performed gratuitously, which the latter certainly are not. No honourable men can be expected to serve on Committees on conditions so humiliating, nor could the faithful performance of their duties be expected of them even should they accept the office. This Committee, therefore, respectfully await your Board's instructions and advice.

I have, &c.,

WILLIAM JOHNS,

Chairman, Te Rahu School Committee.

The Secretary, Board of Education, Auckland.

SIR,—

Education Board, Auckland, 7th August, 1894.

I am directed to inform you that your letter dated 30th July was considered by the Board at its meeting to-day, and that the Board unanimously indorsed the opinions expressed in Mr. Cooper's letter, of which a copy is herewith subjoined for your information.

I have, &c.,

The Chairman, Te Rahu School Committee.

VINCENT E. RICE, Secretary

DEAR SIR,—

Gisborne, 3rd August, 1894.

As I promised on Thursday, I now send you my views on the questions raised by Mr. Johns in his communication to the Board on behalf of the Te Rahu Committee. (1) I cannot see the slightest occasion for School Committees to be alarmed at the result of the action *Wrigley v. Fisher*. I had an opportunity of hearing his Honour Mr. Justice Conolly's direction to the jury in that case and that direction was quite sufficient to protect any Committee who had acted in the *bonâ fide* exercise of their duty. As I understood his Honour, he directed the jury that the law was that communications from a School Committee to the Education Board were, although not absolutely