

privileged, the subject of the rules governing what lawyers call qualified privilege, that is, that the plaintiff, in order to succeed, must not only show that the charge communicated to the Board was untrue and without foundation, but that the Committee or the person against whom the action was brought were actuated by malice against the teacher. In other words, if the Chairman or the Committee (as the case might be) honestly believed in the truth of the charges communicated to the Board, and acted in what he or they considered *honestly and in good faith* to be the interests of the school, then that, however untrue the charges might eventually be proved to be, the Chairman or the Committee were entitled to a verdict, but if the plaintiff succeeded in showing that these charges were not made from a proper motive, but with a desire to injure the teacher, and not in the honest performance of the duties of the Committee, then the plaintiff should obtain the verdict, and that the onus of showing this rested on the plaintiff. (2.) This, in my opinion, is all the protection School Committees require, and we, as members of the Board, are subject to precisely the same principles. (3.) There are two classes to be considered—(a) the Committees, (b) the teachers, and while on the one hand the protection which the law gives to Committees relieves them from all liability for any communication made by them to the Board as Committeemen in the honest performance of their duties, however groundless upon investigation the charges in that communication may subsequently appear to be, on the other hand a teacher is entitled to be protected against false charges maliciously made by Committees or individual Committeemen, and the law righteously and properly gives the teachers that protection. 4.) So long as I am a member of the Board I will strenuously oppose the adoption of any office rule which will have the effect of keeping a teacher in ignorance of charges made against his or her character, or which will prevent him or her from obtaining the fullest investigation into, and, if the charge be groundless, the fullest exoneration from, such charge. I consider that ordinary justice requires that when a teacher's character is attacked a copy of the charge, with the necessary information showing by whom that charge is made, should be supplied to the teacher. One of the plainest and most important duties of the Board is to protect teachers against charges improperly made, and not to allow their characters to be aspersed and their reputation ruined by charges made behind their backs by a hidden antagonist. (5.) As I stated at a recent meeting of the Board, it would be intolerable if either the members of the Board or of School Committees were absolutely protected in what they said or did, however malicious their motives might be. Such a principle if carried into law would lead, I am assured, in many cases to the cruellest injustice, and would tend more than anything else to lower the tone and character of our teachers and react to a marked degree upon the character of our children. (6.) I do not think Mr Johns or his Committee have rightly appreciated the position, and, as I shall not be able to be present at the meeting of the Board on Tuesday, I send you my views, and I shall be glad if you will make them public. I feel that on a question of this kind it is the duty of the members of the Board to speak with no uncertain sound.

I am, &c.,

R. Udy, Esq., Chairman, Education Board, Auckland.

THEO. COOPER.

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