

1898.

NEW ZEALAND.

NELSON SCHOOL COMMITTEES AND RELIGIOUS
INSTRUCTION IN STATE SCHOOLS.

(RETURN OF CORRESPONDENCE RELATIVE TO.)

Return to an Order of the House of Representatives dated the 12th July, 1898.

Ordered, "That there be laid before this House a copy of all correspondence in reference to the complaint that the Nelson School Committees were infringing the Education Act in the matter of religious teaching."—(Mr. DUTHIE.)

No. 1.

MEMORANDUM for the SECRETARY, Education Board, Nelson.

I AM directed to send you an extract from a letter received by the Minister, in which it is stated that religious instruction is being given in the Nelson City Schools within school-hours, and to ask that the Board will be good enough to take the matter into consideration and advise him thereon.

E. O. GIBBES,

Education Department, Wellington, 12th November, 1897.

For the Secretary.

Enclosure in No. 1.

EXTRACT.

"THE Education Act is now being violated regularly by direction of the Nelson Town Schools Committee by the giving of religious instruction within the regular school-hours. A petition was forwarded to the Committee at its meeting of May 17th (*vide Colonist* report, May 18th), signed by fifteen persons only, viz.: the Bishop, six ministers of religion (of whom two are members of the Committee), and eight women, several of whom are the wives of the above-mentioned clergymen, asking for religious instruction to be given. The consideration of the petition was postponed till the next monthly meeting. The *Colonist* newspaper, in an article on 22nd May, pointed out that to grant the request would be illegal. A rather violent letter in reply, by a reverend member of the Committee, followed in the same paper of the 25th May, with a rejoinder by the Editor in a sub-leader of the same date. At the monthly meeting, held July 19th (*vide Colonist* report of the 20th), The Chairman said the petition asking for religious instruction in the schools had been postponed to that meeting. From inquiries made, 414 parents had replied in favour of the proposal, seventy-three against it, and twenty-one were doubtful. Mr. Fathers moved that the prayer of the petition be granted, and that for one half-hour a week religious instruction be given in the schools; but the change be not effected in the Boys' Central and Girls' Central Schools until after the examination. Mr. Piper seconded the motion. The Rev. J. H. Mackenzie read a letter he had received from Wellington showing that religious instruction of unsectarian character was given in the schools of that city. The motion was carried unanimously."

"There are seven separate schools in Nelson City, and Mr. Fathers's motion therefore decided that religious instruction should be given forthwith in five of them, and in the other two after the examination."

No. 2.

MEMORANDUM from the NELSON EDUCATION BOARD.

The Secretary, Education Department, Wellington.

I BEG to acknowledge the receipt of your memorandum of the 12th ultimo, covering copy of an extract from a letter received by the Minister alleging that religious instruction was given in the Nelson City Schools during school-hours.

In reply I have the honour to inform you that your communication, having been laid before the Board, was subsequently forwarded, together with a letter from a Mr. S. S. Bolton, of Nelson, on the same subject, to the Nelson School Committee, with a request for an explanation. Enclosed herewith is a copy of the School Committee's reply.

15th December, 1897.

STEAD ELLIS, Secretary.

Enclosure in No. 2.

SIR,—

Town Schools Committee, Nelson, 11th December, 1897.

I have the honour to forward to you from the Town Schools Committee the following resolutions, passed at a special meeting held on the 10th instant, viz. :—

“That the Committee respectfully acknowledge, through the Education Board, the receipt of a letter from the Minister of Education, with an enclosure ; but whereas the communication received from the Education Department, charging the Committee with a violation of the Education Act, is only an extract from a letter sent to the department, and is without heading and without signature ; and whereas when a complaint is made against a Civil servant it is use and wont to send the inculcating document to the said servant that he may know fully the charge laid against him, and the name of the informer, the Committee resolve to ask the Minister of Education to forward to the Committee the letter making the above complaint, and the members of the Committee engage, on receipt of same, to supply the department with the fullest information as to their conduct under the Education Act.”

“That, in regard to the letter of Mr. S. S. Bolton, anent religious instruction in the State Schools, the Education Board be respectfully desired to deal with Mr. Bolton's letter in the same way in which the Board dealt with a letter of complaint from Mr. H. Lavery, Charleston, concerning which the Press report says : ‘Resolved, To refer the writer to the clause in the Act which directs that all such matters must come to the Board through the local Committee.’ ”

I have, &c.,

The Chairman, Nelson Education Board.

J. P. KEMPTHORNE, Chairman.

No. 3.

MEMORANDUM for the SECRETARY, Education Board, Nelson.

IN reply to your letter of the 15th instant, in which you transmit copy of a letter from the Nelson School Committee upon the subject of my letter of the 12th ultimo, I am directed by the Minister to say that he does not consider it desirable that he should enter into an argument with the School Committee, as the Board by its method of dealing with the question apparently expects him to do. It should be unnecessary to say that the Committee exercises its functions subject to the general supervision and control of the Board, which the Minister therefore considers as the authority responsible for the observance of the law in the schools of its district. The Board clearly has the means and the authority to satisfy itself whether the report which has been brought under its notice is or is not a correct statement of the facts ; and the Minister considers it due to him that his request for information concerning that report should receive more serious treatment than the Board has seen fit to accord to it.

I am therefore to beg that the Board will again take the matter into consideration, and be good enough to advise him of the result.

E. O. GIBBES,

For the Secretary.

Education Department, Wellington, 24th December, 1898.

No. 4.

MEMORANDUM from the NELSON EDUCATION BOARD.

The Secretary, Education Department, Wellington.

I HAVE have the honour, by direction of the Board, to forward you the enclosed copy of a letter received from the Nelson School Committee, in reply to a request that they would state definitely whether or no religious instruction was being given during school-hours in the Nelson Schools.

1st March, 1898.

STEAD ELLIS, Secretary.

Enclosure in No. 4.

SIR,—

Town Schools Committee, Nelson, 10th February, 1898.

I have the honour, by request of the Committee, to forward to you the following resolution, passed at a special meeting held on January 31st, viz. :—

“That, in answer to the Board's request to be definitely informed as to whether religious instruction is given in the Nelson Town Schools during school-hours, this Committee reply that religious instruction is not so given.

“That, further, the Committee express regret that the Board should have been led to take action on what is to them an anonymous letter, and beg to point out that, since the Education Act provides that the schools shall be open ‘to inspection by an Inspector,’ and the time-table posted in every room shows the work being done, the above request of the Board was unnecessary.

“That, further, the Committee, *ex gratia* and without prejudice to the rights of interpretation vested in the civil Courts of the colony, beg to inform the Board as follows : By the Education Act twenty hours' teaching per week are required. In the Nelson Schools twenty-four and a half are given. Outside of these hours Bible instruction is given in the schools for half an hour per week, and also, by arrangement with the teachers, a secular lesson is given at the same time to the children of parents desiring the same ; but this secular lesson is not part of the time-table.”

I have, &c.,

The Chairman, Nelson Education Board.

HENRY HOBDEN, Secretary.

No. 5.

SIR,—

Education Department, Wellington, 7th March, 1898.

I have the honour, by direction of the Minister of Education, to acknowledge the receipt of your Secretary's memorandum of the 1st March, enclosing a copy of a letter addressed to you by the Nelson Town School Committee on the 10th February.

Mr. Walker observes that your Board still practically declines the responsibility of directly informing him as to the course adopted by the Town School Committee in its arrangements with respect to religious instruction. The Board has simply submitted to his view, without note or comment, the Committee's statement of its own case.

The Committee's statement first asserts that religious instruction is not imparted in school-hours, and then it explains that during the half-hour of religious instruction pupils can, if their parents desire it, receive secular instruction. The Minister reminds you again that your Board has full power of inspection, and is responsible to see that every school entered in the quarterly returns for capitation is conducted as a public school in accordance with the terms of the Education Act. I am therefore to ask you to use your powers of investigation, and to inform the Minister what are the school-hours in the Nelson Town Schools, and what are the inducements, if any, by which any pupils are led to attend school for purposes of secular lessons out of school-hours.

I have, &c.,

WM. JAS. HABENS,

Secretary for Education.

The Chairman, Education Board, Nelson.

No. 6.

MEMORANDUM from the NELSON EDUCATION BOARD.

The Secretary, Education Department, Wellington.

I beg to acknowledge the receipt of your letter of the 7th ultimo, respecting the subject of religious instruction in the Town Schools, which has in due course been laid before the Board. The senior Inspector has been instructed to make inquiries, and will report at the next meeting of the Board, when an answer to your letter will be forwarded.

1st April, 1898.

STEAD ELLIS, Secretary.

No. 7.

(Telegram.)

25th April, 1898.

PLEASE say if Hon. the Minister of Education can receive a deputation from this Board on Thursday or Friday next—Friday preferred. Kindly reply at once.

ELLIS, Secretary, Education Board, Nelson.

Secretary, Education Department, Wellington.

No. 8.

(Telegram.)

26th April, 1898.

IF it will suit the members of the deputation, the Minister will receive them on Friday at three. Please state the object of the deputation.

WM. JAS. HABENS, Secretary for Education.

The Secretary, Education Board, Nelson.

No. 9.

(Telegram.)

26th April, 1898.

BOARD's deputation will wait on Minister 3 p.m. Friday. Business: proposed Westport High School, and religious instruction Nelson Schools.

Secretary, Education Department, Wellington.

S. ELLIS.

No. 10.

SIR,—

Wellington, 28th April, 1898.

I have the honour to hand you a report of the Chief Inspector *re* Bible teaching in the Nelson Schools, in preparation for the interview to-morrow.

I am, &c.,

GEO. TALBOT,

Chairman of the Board.

The Hon. the Minister of Education.

Enclosure in No. 10.

REPORT ON RELIGIOUS INSTRUCTION in the NELSON CITY SCHOOLS.

SIR,—

In accordance with instructions received from the Board, I have inquired into the arrangements made for imparting religious instruction to the children attending the Nelson City Schools.

I find that, by a resolution of the Nelson School Committee, the ordinary school-hours have recently been shortened to twenty-four hours and a half weekly, and that the teachers' time-tables are arranged accordingly. The time for opening school varies in the different schools on different days. The usual time is 9.30 a.m.; but on Wednesday morning, at the Central School, Brook

Street, and Toitoti Valley Schools; on Thursday at Hampden Street School, and on Friday at Haven Road and Tasman Street Schools, the ordinary school-work does not begin till 10 o'clock.

In the half-hour thus deducted from the ordinary school-hours, on the days and at the schools mentioned, religious instruction is voluntarily given by four clergymen of different denominations or their friends. The parents of the children who attend the Bible-classes have, in answer to a circular, given their written consent to the attendance of their children. The Education Board's teachers do not give the religious instruction, though some of them voluntarily attend while the lessons are given, in the hope that their presence may check disorder, and so prevent any subsequent loss of discipline.

At Haven Road School all the children on the roll attend the Bible-classes, and at Hampden Street all but two, and these do not present themselves till 10 o'clock, when the school-teacher begins the ordinary lessons of secular instruction. At each of the other schools there are some children who do not attend for Bible instruction, and those who present themselves are allowed to sit in a separate room under supervision and prepare lessons, or are instructed in the subjects as prescribed in the syllabus by some of the State School teachers, who attend voluntarily for the purpose. A few children do not present themselves till 10 o'clock.

So far as I can gather, the only inducements offered to children to attend for secular instruction at the particular times mentioned are the knowledge that they will receive tuition if they desire it, and in the case of many the fact that they are not aware that the alteration of school-hours affects them in any way, and think that attendance is just as compulsory during the half-hour of Bible instruction as at other times. On the other hand, the matter has been ventilated in the local Press; and the members of the Committee contend that the parents are perfectly aware of the arrangements made, and that it is entirely optional with them whether they send their children during the half-hour of religious instruction or not.

The Chairman, Nelson Education Board.

I remain, &c.,

G. A. HARKNESS, Inspector.

No. 11.

MEMORANDUM from the NELSON EDUCATION BOARD.

The Secretary, Education Department, Wellington.

I HAVE the honour to inform you, in reply to your letter of the 7th ultimo, that, at the instance of the Board, the senior Inspector has reported fully on the subject of religious instruction in the Nelson Schools, and a copy of the report will be placed in the hands of the Minister of Education by the Board's Chairman on Friday next, when a deputation from the Board will have the honour of waiting upon him.

After carefully considering the report, the following resolution was adopted, viz: "In reply to the Minister's letter, the Minister be informed that the Board, through its executive officers, has made careful inquiry into the question of religious instruction in the schools within the City of Nelson, and find that the Committee has not exceeded the powers conferred by section 84, subsection (3) of 'The Education Act, 1877.' The Board finds that the school-hours are in excess of those required by the Act, and that religious instruction is not given in school-hours, and that when religious instruction is given the attendance of neither children or teachers is compulsory."

27th April, 1898.

STEAD ELLIS, Secretary.

No. 12.

SIR,—

Education Department, Wellington, 3rd May, 1898.

I have the honor to inform you that, after conference with your deputation, the Minister of Education is not satisfied with the arrangements made by the Nelson School Committee in connection with the imparting of religious instruction to the pupils.

It is necessary to make it absolutely clear that the religious instruction is not given during school-hours. The provision of secular instruction during the time of religious instruction tends to render this distinction obscure, and therefore must not be continued. Whatever ceremony marks the opening of the school-day on four days of the week must be observed also on the day of religious instruction, and must on that day be interposed between the religious instruction and the regular secular instruction which is the proper work of the school.

I have, &c.,

WM. JAS. HABENS,

The Chairman, Education Board, Nelson.

Secretary for Education.

No. 13.

MEMORANDUM from the NELSON EDUCATION BOARD.

The Secretary, Education Department, Wellington.

I BEG to acknowledge the receipt of your letter of the 3rd ultimo, which was laid before the Board on the 31st.

By direction of the Board, the Nelson School Committee have been furnished with a copy of the letter, and requested to make such arrangements as will meet the views of the Minister of Education given expression to in the letter, and will preclude the imparting of secular instruction during the time when religious instruction is being given.

4th June, 1898.

STEAD ELLIS, Secretary.

No. 14.

MEMORANDUM for the SECRETARY, Education Board, Nelson.

REFERRING to previous correspondence on the subject of religious instruction in the Nelson Town Schools, I have the honour by direction of the Minister of Education to ask you to be good enough to inform me what has been the result of the action reported in your letter of the 4th ultimo.

Education Department, Wellington,
12th July, 1898.

WM. JAS. HABENS,
Secretary for Education.

No. 15.

MEMORANDUM from the NELSON EDUCATION BOARD.

The Secretary, Education Department, Wellington.

IN reply to your memorandum of the 12th instant, I beg to inform you that the Nelson School Committee, in answer to the Board's communication of the 4th June last, have declined to make the arrangements suggested, and contend that in their action they are upholding the law, which places the school buildings, when not required for public-school purposes, under the control of the School Committees.

In consequence of this reply, the Board has proposed to the Nelson School Committee that the two bodies should join "in stating a case for the Supreme Court, to obtain a ruling as to the legality of the action of the Town Schools Committee in giving religious instruction in school buildings at a time when lessons in secular subjects are being given within the same buildings, though such secular teaching is entirely optional on the part of the children and their teachers." I anticipate that a reply to this proposal will be received in time to be laid before the Board at its next meeting on the 26th instant.

14th July, 1898.

STEAD ELLIS, Secretary.

No. 16.

MEMORANDUM from the NELSON EDUCATION BOARD.

The Secretary, Education Department, Wellington.

IN further reply to your memorandum of the 12th instant, 98/502-24, I beg to inform you that the following resolution has been sent to the Nelson School Committee, viz.: "That the Board regrets that the Committee has not adopted the suggestion of the Board to state a case. The Board must consequently use its own interpretation of the law, and requests the Committee to desist from permitting religious instruction to be given in the public schools upon days and at hours when the school buildings are being used for public-school purposes."

29th July, 1898.

STEAD ELLIS, Secretary.

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