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### COMMON SCHOOLS ACT, 1869.

Superintendent's Office,  
Auckland, 24th March, 1869.

**T**HE following Act, made and passed during the twenty-fourth Session of the Provincial Council, is published for general information.

J. WILLIAMSON,  
Superintendent.

#### Preamble.

**W**HEREAS it is expedient to repeal the Education Act 1868 Session XXII No. 7 and to substitute other provisions in lieu thereof

**BE IT THEREFORE ENACTED** by the Superintendent of the Province of Auckland and with the advice and consent of the Provincial Council thereof—

#### Former Act repealed.

1. The said Act is hereby repealed provided always that nothing herein contained shall prevent the recovering or collecting of any rate or rates imposed under the authority of the said Act but that such rate or rates or so much thereof as is in arrear may be collected and recovered in the same manner as if this Act had not been passed.

Property of Board under repealed Act to become the property of the Superintendent in trust for the purposes of this Act.

2. All property matters and things whatsoever vested in or acquired by the Board of Commissioners of Education or any officer of the Board of Commissioners of Education appointed under and by virtue of an Act of the Superintendent and Provincial Council of Auckland entitled "The Education Act 1857" Session xi. No. 2 repealed by an Act entitled "The Education Act 1857 Repeal Act 1868" Session xxii No 6 for any of the purposes or under any of the provisions of the said repealed Act shall be vested in the Superintendent of the Province of Auckland and his successors in office to be held by him and them under this Act in trust for the purposes of this Act and all persons who at the commencement of this Act owe any money to the Board of Commissioners of Education aforesaid or to any other person on behalf of the said Board shall pay the same to the Superintendent of the Province of Auckland or to his successors or to the Central Board of Education constituted under this Act or as the said Board may direct.

#### Constitution of the Central Board of Education.

3. The Superintendent and Executive Council of the Province for the time being together with the Speaker of the Provincial Council and three persons to be elected by the Provincial Council annually by ballot

shall constitute a Board for carrying into effect the provisions of this Act which Board shall be called "The Central Board of Education" and wherever in this Act the term "The Board" is used it shall mean The Central Board of Education constituted by this Act unless the context shows that such construction would be inapplicable: Provided always that notwithstanding any vacancy or defect in the constitution of The Board it shall be lawful for The Board to act in the execution of this Act.

**Appointment of Secretary of Board and Inspector of Schools.**

4. In order to carry out the provisions of this Act the Board shall appoint a Secretary who shall also be Inspector of Schools and who shall hold office during the pleasure of the Board and shall receive such salary not exceeding £300 per annum as the Board shall think fit and in addition thereto he shall receive over and above such salary a reasonable allowance for travelling expenses.

**Minister of Religion not to act as Inspector.**

5. It shall not be lawful for any Minister of Religion to be an Inspector of Schools under this Act.

**Meetings of the Board.**

6. The Board shall hold two General Meetings one in the month of January and the other in the month of July in every year and such meeting shall be convened by fourteen days' previous notice to be published in such manner as the Board shall direct and it shall be competent for the Secretary whenever he shall see occasion or shall be requested by the Superintendent or any two members of the Board to call a special meeting of the Board and every such meeting shall be convened by circular and by seven days' previous notice to be published in one or more newspapers and a quorum of the Board having duly met may from time to time adjourn to meet at such other time and place as they shall appoint: Provided that all meetings of the Board and all adjournments thereof shall be open to the public.

**Powers of the Board to be exercised at meetings thereof.**

7. All the powers hereby given to the Board shall be exercised at meetings convened as aforesaid at which meetings three members shall be a quorum and the Superintendent when present shall be *ex officio* Chairman of such meetings and in his absence the members present shall elect one of their number to be Chairman and on every question before The Board the decision of the majority shall be final and conclusive but in case the votes shall be equal the Chairman having a deliberative vote shall also have a casting vote and no resolution or decision come to at any meeting of The Board shall be revoked or altered at any subsequent meeting of The Board within twelve months from the passing thereof

unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting of The Board and shall have been made known by the circular convening the meeting sent to each member of The Board.

**Proceedings of the Board to be entered in a minute book.**

8. Minutes of the proceedings of The Board shall be regularly entered in a book to be kept for that purpose and at every meeting of The Board the minutes of the preceding meeting shall be read over and signed by the Chairman of the meeting at which the same shall be read and the minutes when so signed shall for all purposes be held to be a true statement and record of the proceedings of The Board: Provided always that the rough draft of minutes of all proceedings at any meeting of The Board shall be read over by the Secretary before the conclusion of every such meeting and shall then be signed by the Chairman.

**Powers of the Board.**

9. The Board shall exercise a general superintendence over all common schools which shall be hereafter established under the provisions of this Act and shall promote the establishment of educational districts and define the limits thereof and shall have power to alter such limits and also the limits of any educational districts hereinafter formed as they shall see fit and to divide any district into two or more districts or parts of districts or to combine two or more districts or parts of districts into one And when any district shall be divided into two or more districts or two or more districts or parts of districts shall be combined into one district then every such division of a district and every such combination shall for the purposes of this Act be deemed a new district and shall proceed in like manner as hereinafter provided for districts originally constituted: Provided always that no new district shall be constituted by the division or combination of any existing district or districts during the currency of any financial year which shall be for the purposes of this Act from the first day of January to the thirty-first day of December both days inclusive in each year.

**Board shall direct expenditure of monies voted by the Council.**

**New districts to be proclaimed.**

10. The Board shall direct the expenditure and due application of all monies that shall be appropriated by the Superintendent and Provincial Council for the purposes of education as hereinafter provided And whenever any new school district shall be formed pursuant to the provisions of this Act the Board shall direct a notice of the formation of such new district and of the boundaries thereof to be published in the *Provincial Government Gazette* and every School District shall be held

to be bounded as described in any such notice published as aforesaid: Provided always that the Board shall have due regard to the vested interests of any new district in the school buildings furniture and other effects of the original district and shall if it see fit order the ratepayers in that division of the district which shall retain the School house furniture and other effects to pay to the new district an equitable equivalent to such vested interest ascertained and such order shall be a first charge on the rates of the District against which it is made.

*Duties of the Secretary of the Board.*

11. The Secretary shall attend all meetings of the Board take minutes of its proceedings and enter such minutes in a book to be provided for that purpose and conduct the correspondence of the Board and take charge of and preserve all letters papers and documents relating to the business of the Board and perform all such duties as may be required by the Board for carrying out the provisions of this Act.

*Duties of the Inspector of Schools.*

12. It shall be the duty of the Inspector to visit and inspect all the schools established and which may hereafter be established under the provisions of this Act throughout the Province once or oftener in every year and from time to time to investigate and report upon any matters relating to the educational condition of any school district in such manner and according to such directions as shall from time to time be given by the Board in that behalf and every school teacher already appointed or who shall be hereafter appointed under the provisions of this Act shall whenever required so to do by the inspector examine the scholars under his charge in the presence of the Inspector and such of the members of the school committee of the district in which the school shall be situated as shall choose to attend such examination and it shall be the duty of the Inspector to take part and assist in such examinations and the Inspector shall likewise under the direction of the Board investigate and report upon all complaints which shall or may at any time be made to the Board either by the school teachers or the district school committees relative to the said schools or to any matter connected therewith and also upon any special matter respecting which the Board may desire to be informed in such manner as the Board shall direct and the Inspector shall make an annual report to be presented to the Board at the general meeting to be held in the month of January in every year as aforesaid or at an adjourned meeting thereof containing an account of the transactions of the Board up to the thirty-first day of December immediately preceding and such annual report shall contain a statement of the number of schools in every educational district within the Province the statistics of attendance at such schools the

proportion of such attendance to the population of the district the number of schools which have been established under this Act and the number of additional schools which may be required in the districts and localities where the same have been established or are required and such changes or alterations as shall have taken place in regard to such matters since the last annual report so as to exhibit yearly complete statistics of education within the Province and such report with any resolution or resolutions of the Board thereon shall be presented by the Superintendent to the Provincial Council within fourteen days after the commencement of the Session next following the said month of January or as speedily as possible thereafter should the Provincial Council be then in Session and the Inspector shall further perform all such other duties as may be required of him by the Board for carrying out the provisions of this Act and every school teacher appointed as aforesaid shall correctly enter in a set of school register books such particulars relating to the attendance and progress of the pupils as the Board shall from time to time prescribe and shall furnish to the Board copies or duplicates of such register books and all such other information relating to the School under his charge as the Board may from time to time require.

*Educational Districts to be constituted.*

13. For the purposes of this Act Educational Districts shall be constituted within this province.

*First meeting how constituted.*

14. The Superintendent of the Province shall as soon after the passing of this Act as may be convenient proclaim Educational Districts and appoint a time and place of meeting at which time and place the resident occupiers of land and householders whether male or female being persons of twenty-one years and upwards may attend And it shall be the duty of the meeting so convened to appoint a chairman and elect a school committee as hereinafter provided And the said meeting shall consider the educational requirements of the district and the boundaries thereof and should a majority present agree to alter or amend the boundaries as defined by the Superintendent it shall be lawful for the Superintendent on such resolution being transmitted to him by the Chairman of the said meeting to proclaim new boundaries if he should think fit which new boundaries so proclaimed shall be the boundaries of such district for the purposes of this Act.

*New Districts how formed.*

15. Upon the memorial of not less than ten of the inhabitants of any locality or district within the province as aforesaid not yet provided or inadequately provided with the means of common school education praying for the erection of such locality into an edu-

educational district The Central Board of Education shall forthwith ascertain fully all the circumstances of the case and if it shall appear to the Board that there exists in such locality or district a necessity for provision being made for public education therein The Board shall call by advertisement a public meeting of the occupiers of land and householders in such district whether male or female being persons of twenty-one years of age and upwards and it shall be the duty of the said meeting to appoint a Chairman and elect a School Committee as hereinafter provided And the meeting shall likewise consider the boundaries of the Educational District and report the same to The Board who shall cause the district to be proclaimed in manner provided by section 9 of this Act.

**Election of District School Committee.**

16. At any such meeting of the occupiers of land and householders as aforesaid in any locality or district the persons there present (being such occupiers and householders as aforesaid) shall thereupon elect by a majority of votes taken either by a show of hands or by ballot as shall be determined upon by the said meeting not less than five nor more than nine occupiers of land or householders as aforesaid in the district of whom a majority shall be parents of families and the persons so elected shall be called the District School Committee and shall hold office until the election of their successors in manner hereinafter mentioned: Provided always that any person who may have been chosen by the said or any other subsequent meeting as hereinafter provided a member of the District School Committee and shall refuse to serve shall be liable to pay the sum of £1 and any person chosen who has not refused to accept office and who at any time refuses or neglects to perform its duties shall be liable to pay a sum not exceeding £5 to be sued for and recovered before a Justice of the Peace by the Chairman of the District School Committee or any of the said Committee all monies so recovered to be applied by the School Committee to the maintenance of the Main or Branch Schools in the district provided always that it shall be competent for The Board to excuse any person so refusing to serve or neglecting to perform his duties upon good cause shown for such neglect or refusal and the decision of the Board upon that point shall be final.

**Annual meeting of District School Committees and election of new committees.**

17. On the second Monday in the month of January in each year a public meeting of the occupiers of land and householders in every Educational District whether male or female being persons of twenty-one years of age and upwards shall be held at a time and place to be fixed by the Secretary of The Board and notified by public advertisement at least one month previously and in such other manner as the Board shall direct and

at such meeting a Chairman shall be chosen and the School Committee for the preceding year shall give a full report of their proceedings and thereupon the electors present shall proceed to elect either by show of hands or by ballot as shall be determined upon by the said meeting a new School Committee for the ensuing year of not less than five nor more than nine persons possessing the qualifications prescribed by clause 13 and may re-elect all or any of the persons going out of office to be members of such new Committee and every Committee so to be appointed shall hold office until the appointment of their successors and if any vacancy or vacancies shall occur by death or otherwise in any School Committee the remaining members of the Committee whether a quorum or not shall be entitled and it shall be their duty to elect a qualified person or persons to fill such vacancy or vacancies.

Disputes as to validity of proceedings at elections to be settled by the Board. If election not held on days provided by Act, Board to fix days.

18. If any dispute shall arise respecting the validity of the proceedings at the annual or other election of any School Committee or respecting the validity of the election of any member or members of any School Committee the matter in dispute shall be submitted to the judgment of the Board whose decision thereon shall be final and conclusive and if in any case the electors in any Educational District shall from any cause whatever fail to elect a School Committee upon the annual day of meeting as hereinbefore provided it shall be lawful for the Board if it shall see fit to fix another day for the election of a School Committee for such district and the same notice of such meeting shall be given and the same proceedings taken thereat as are prescribed by the 13th section of this Act.

**Appointment of Clerk and Treasurer to School Committee.**

19. The proceedings of every School Committee shall be transacted at meetings to be convened at the request of two or more of the members thereof at which meetings three members shall form a quorum and the Chairman shall have a casting vote at every such meeting and the decision of the majority shall be final and conclusive And every School Committee shall be at liberty to appoint one of their own members or other qualified person to be their Clerk and Treasurer who shall convene all meetings of the Committee by causing three days' previous notice to be given to each member thereof and shall attend such meetings of the said Committee and take minutes of their proceedings and do whatever may be required of him in the execution of this Act and such Clerk and Treasurer shall receive such remuneration for his services and give such security for the due performance of his duties as shall be agreed upon and required

by the said Committee and the accounts of such Treasurer shall be rendered to and audited annually by every such Committee previous to their retirement from office and the balance of such accounts (if any) shall be paid over by such Committee to their successors.

**School sites to be conveyed to The Board.**

20. It shall be the duty of every District School Committee as soon after their election as may be convenient to secure a suitable site for a school building with playground attached and the said Committee shall convey the same to The Board who shall hold it in trust as a local endowment for Common School Education under this Act.

**Powers of District School Committee.**

21. In every Educational District it shall be lawful for the School Committee with the express sanction of the Board previously obtained to establish one or more Main Schools and also such number of smaller schools to be denominated Branch Schools as the extent population and other circumstances of the district may render necessary and subject to the general superintendence and control of the Board and such inspection as aforesaid the School Committee of every Educational District shall have full power to fix and determine the salary of the Teacher or Teachers: Provided always that the salaries of the School Teachers shall not be less than the minimum rates fixed and determined by this Act except by consent of The Board. And the School Committee shall also be entitled to select the Teacher or Teachers of such School or Schools and generally to have the entire management of educational matters within the District and in no case shall any reduction be made in a Teacher's Salary once fixed without the sanction of the Board previously obtained.

**Schools and Teachers' houses.**

22. In connection with every Main School there shall be provided by the District School Committee a suitable School-house supplied with the necessary furniture and out-buildings together with an open space of ground attached for play-ground for the scholars And in any case where a Branch School shall be established under the provisions of this Act it shall be lawful for The Board to contribute towards the payment of the Teacher's salary and the rent of a school-house such sums respectively as to them shall seem fit.

**Teachers to be elected by School Committee.**

23. The School Committee of every Educational District shall be entitled to select a Teacher or Teachers for every Main and Branch School in the District but no election of a Teacher shall be deemed valid until such Teacher shall have produced to the Board a certificate of qualification from Her Majesty's Committee of Privy Council on Education or from the Inspector of

Schools appointed as aforesaid or such other certificates of fitness as shall be required by any regulations that may hereafter be made by The Board: Provided nevertheless that in case a qualified Teacher cannot be obtained for any School or Schools a person not duly qualified may by leave of the Board be temporarily appointed until a qualified Teacher can be obtained: Provided also that any certificated teacher under the said repealed Education Act 1857 shall be deemed to be a qualified Teacher under this Act.

**Teachers to receive certificates.**

24. Every Teacher with whose qualifications The Board shall be satisfied shall receive a certificate of the first or second degree according to the order of merit.

If electors do not elect Committee, or Committee when elected refuse to act, Board may appoint Commissioners.

25. If the qualified electors in any Educational District shall refuse or neglect to elect a School Committee or if the School Committee elected shall fail or refuse to perform any of the duties by this Act imposed upon them it shall be lawful for the Board upon such failure or refusal occurring to nominate and appoint a Commissioner or Commissioners to exercise all the powers and to perform all the duties by this Act committed to or imposed upon such School Committee and it shall be lawful for the Commissioner or Commissioners so appointed to exercise the powers of assessment and all other powers and duties by this Act imposed and conferred on Committees of Educational Districts at any time after he or they shall have assumed the place and duties of the School Committee as aforesaid and a salary to be paid to the Commissioner or Commissioners shall be fixed by The Board and shall be paid out of the rates levied in the Educational District for or to which such Commissioner or Commissioners are appointed Provided that such Commissioner or Commissioners shall only hold office from the date of appointment to the thirty-first day of December next ensuing.

**Teachers' Salaries.**

26. The salary to be granted by the District School Committee to duly qualified Teachers shall not in the case of Male Teachers holding first-class certificates be less than £75 per annum, and in the case of Female Teachers £60 per annum The salary to be granted to Teachers of the second degree of merit shall not be less in the cases of Males than £65 and of Females £50 per annum the salary of Pupil Teachers shall not be less than £20 per annum one moiety of which sum of £20 shall be paid by The Central Board of Education Provided always that by consent of The Board any Teacher holding a first-class certificate may accept from any District School Committee the salary fixed for a teacher of the second class or any other

sum that may be agreed upon between the School Committee and the teacher.

*Engagement of Teachers defined.*

27. And whereas it is expedient that the position and rights of School Teachers should be defined it is hereby provided that no School Teacher shall be at liberty to relinquish his said engagement without giving to the Secretary of the School Committee of the Educational District in which he holds his appointment one month's notice in writing of his intention so to do and such engagement shall not be determined by any School Committee except on giving three months' notice signed by their Secretary with the express sanction of The Board and the Teacher's occupation of the school-house and land attached thereto or Teacher's house should one be provided is hereby declared to be an occupancy by sufferance only.

*Appointment of Assistant Teachers.*

28. It shall be lawful for any School Committee with the express sanction of The Board previously obtained to appoint Assistant Masters or Female Teachers in any Main or Branch School where the number of pupils in ordinary attendance is such as to render such appointment necessary and whenever an Assistant Teacher shall be required in any Main or Branch School the selection of such Assistant Teacher shall be entrusted to the Teacher of the said School subject only to the approval of the School Committee of the District.

*Employment and payment of Pupil Teachers.*

29. The Board may authorise the Master of any well attended and efficiently conducted Main School to engage and employ in his School any number of Apprentice Pupil Teachers The Board may deem expedient and may make and from time to time alter and amend rules and regulations for the examination training and employment of such Pupil Teachers and may out of any funds from time to time appropriated by the Superintendent and the Provincial Council for the purposes of this Act grant any moderate sum or sums of money in aid of the maintenance and education of such Pupil Teachers upon such conditions as the Board may think fit: Provided always that such sum or sums of money shall not exceed the amount contributed towards the same purpose by the School Committee of the district in which such school is situated.

*School fees collected by Teacher.*

30. It shall be lawful for every School Teacher by the authority of the School Committee or the Treasurer appointed by the Committee to ask demand receive sue for and recover from the parents or guardians of the children attending the School such school fees or charges as shall be authorised

by the School Committee to be charged and the school fees if collected by the Teacher shall be paid over to the Treasurer: Provided always that it shall be lawful for the School Committee of every District by a warrant or warrants under the hand of their Treasurer and Clerk to authorise the remission of the whole or any portion of the ordinary school fee in the case of any child whose parent or guardian is in the opinion of the School Committee unable to pay the fee.

*Gratuities by Board.*

31. It shall be lawful for the Central Board of Education out of any money appropriated for the purposes of this Act by the Superintendent and Provincial Council of the Province of Auckland to pay to any Certificated Teacher in any one year a sum not exceeding one-fourth part of the annual salary he or she may receive from the District School Committee on the report of the Inspector of Common Schools as aforesaid such gratuity to be paid for educational results and superior discipline and order in the Schools and not on the average attendance: Provided always that to entitle a Teacher to this gratuity the average daily attendance shall not be less than thirty throughout the year in the city of Auckland and suburbs and districts containing one hundred householders and ten in the country districts: Provided also that where any Common School shall have been established in thinly populated districts and in the opinion of the Inspector ten is too high a daily average attendance gratuities may be given by the Central Board of Education in any such case on the special recommendation of the Inspector the amount to be determined in each case by The Board.

Advances may be made to poor districts. Advances to be repaid. Provision for insuring school buildings.

32. Out of any money appropriated by the Superintendent and Provincial Council for the purposes of this Act The Central Board of Education may assist any District School Committee in any remote place which may be unable to build and furnish a suitable School-house by an advance to be repaid without interest by the said District School Committee within five years from the date of such advance and said advance shall be a lien on the site and School buildings aforesaid and all such advance so repaid shall be added to the Common School Fund to be created under and by virtue of this Act: Provided always that all School buildings requisites or furniture paid for in whole or in part by The Central Board of Education as herein before enacted shall be insured at the charge of the District School Committee by The Board and the cost of such insurance shall likewise be taken to be and shall be part of the advance to the said District School Committee to be repaid as hereinbefore provided.

Central Board may supply books. Expenditure, how to be defrayed.

33. In addition to the aforesaid gratuities and advances The Board may procure class books maps and other School requisites for the efficient tuition of pupils and supply the same to any School Committee on application to the Board and payment of the cost price provided that no school pupil or parent or guardian of any school pupil buying any such class books shall be required by the District School Committee to pay more than the cost price thereof. It is likewise further enacted that the salaries of the Teachers school sites erection repair enlargement and insurance of all School buildings and Teachers' houses fencing and improvements exceptas hereinbefore provided School furniture books &c. and all other incidental expenses shall be defrayed by every Educational District out of school fees subscriptions and donations and if necessary by and out of rates to be made and levied in manner hereinafter provided.

District portion of expenditure how to be raised.

34. Within one month after the annual election of every School Committee and immediately after the formation of every new Educational District under this Act the School Committee shall make an estimate of the sum that shall be required for the purposes aforesaid and also the amount likely to be derived from fees local subscriptions and donations if any during the then current year in their respective districts and if after consideration of such estimate it shall appear to the School Committee that a district rate in addition to such school fees subscriptions and donations is indispensably necessary to make up the amount required for the purposes aforesaid such District School Committee shall forthwith furnish to The Board a statement in writing of the estimate aforesaid together with a copy of the resolution of the District School Committee relating to the same and such other information as The Board shall require of them and the School Committee shall at the same time publish the said estimate and resolution by affixing a statement thereof in writing on the School-house or on some public or conspicuous building in the town or place where the District School Committee usually meet and as soon as conveniently may be after the lapse of thirty days from the publication of such estimate and resolution The Board shall take the same into consideration at a meeting of which previous notice shall have been given as hereinbefore provided and at such meeting or adjournment thereof The Board shall authorise the levying of a district rate of the amount proposed by the District School Committee or shall give such other decision as to them shall seem fit and whenever The Board shall authorise the levying of a district rate it shall be lawful for the School Committee of the district in which the rate may be levied to make such rate to be assessed

upon all houses shops warehouses barns stables mills and other buildings and erections and upon all yards gardens and other lands and hereditaments whatsoever according to the net annual value thereof to let whether situate in towns or elsewhere and the net annual value thereof as aforesaid shall be deemed and taken to be such sum of money as each subject of assessment may be reasonably expected to yield to the owner as rental if let to a tenant from year to year provided also that such district rate shall be collected and recovered in the same manner as rates are collected and recovered for the purposes of the Rural Districts Act 1869: Provided also that the Education Rate aforesaid shall be collected by any person duly authorised for that purpose by the District School Committee and shall be paid by the said collector to the Clerk and Treasurer of the Committee who shall account for the same to the District Committee and the said rate shall be by them applied to the purposes provided for under this Act.

Instruction in common schools.

35. The instruction in all Schools established under the provisions of this Act shall be purely secular provided that the following branches shall require to be thoroughly taught in all such Schools viz spelling reading writing arithmetic English grammar physical geography English history English composition object lessons in form size colour distance height &c. morals In mixed and girls' schools provision shall be made if possible for teaching plain needlework to girls.

Evening schools.

36. Evening schools may be opened in any School building by any duly qualified Teacher under The Central Board of Education for instruction in any of the elementary or higher branches of education subject to the approval of the District School Committee the fees to be fixed by the Teacher and to be for his own sole use and benefit.

Children when admissible.

37. Children between the ages of five and fifteen years are eligible for admission and instruction in any Common School established under this Act provided they are known to be of good moral character cleanly habits orderly deportment and shall conform to all rules and regulations on payment in advance of a weekly fee of sixpence for each pupil and it shall be the duty of the District School Committee to enforce these conditions provided always that where the School Committee certify in writing to the Inspector that any person having a child at any Common School is unable to pay the said fee of sixpence for such child or for so many as he or she may be unable to pay The Board shall pay to the Teacher thereof half-yearly the sum of thirteen shillings for every such child so long as the Inspector reports that the

child so circumstanced makes average progress in learning.

Parents or Guardians may visit schools.

38. The parent or guardian of any child attending School or any ratepayer subscriber or donor shall be entitled to visit the school at any time but shall not interfere with the course of instruction in the School at the time of such visit.

All schools open to inspection.

39. Schools under this Act shall be at all times during school hours open to inspection by the Inspector or Secretary and by any member of The Board.

Grants in aid of educational efforts in certain cases.

40. It shall be lawful for The Board at its discretion to grant any moderate sum or sums of money in aid of the efforts made by private individuals or associations for the promotion of education in the Goldfield Districts or in localities or districts in which from the smallness or scattered position of the population or from other causes no Educational District shall have been proclaimed: Provided always that in all cases in which aid is granted from money appropriated by the Superintendent and Provincial Council of Auckland for the purpose of this Act the Inspector may at any time inspect and he is hereby required to inspect and report upon the application and educational results of such grants in aid and upon the want or otherwise of School instruction in such localities.

Itinerant Teachers.

41. It shall be lawful for any School Committee in a thinly populated district with the approval of the Board to employ a properly qualified teacher on guaranteeing his salary as hereinbefore provided although such district may not possess a school building on condition that such Teacher shall be required to teach from house to house during the year and such districts may receive grants in aid from The Board in terms of section 39 of this Act.

Formation of Public Libraries in Educational Districts.

42. And whereas it is expedient that encouragement should be given to the formation of Public Libraries in the various Educational Districts The Board may out of funds specially appropriated for the purpose by the Superintendent and Provincial Council from time to time expend in the purchase of books to be placed in any such Library any sum or sums of money equal to any sum or sums of money which shall have been raised by public subscription or otherwise within any such district: Provided that The Board shall be satisfied that due provision shall have been made for the safe custody and care of such books and for the use thereof by the public

according to rules for such use and custody to be sanctioned by the Board: Provided also that if at any time it shall appear to The Board that any such books are left without proper care and custody it shall be lawful for The Board to take possession of the same and cause them to be deposited in such place as they shall think fit and the word "Books" in this clause shall be deemed to include all works of art and all scientific apparatus which may be required for the purposes of illustration in Lectures and all specimens of Natural History for the formation of Museums and the word "Libraries" in this clause shall be taken to include reading rooms schools of art and museums.

Common School Fund.

43. For the purposes of this Act there shall be a fund to be called the Common School Fund to be created as follows viz:

1. Such annual appropriation by the Superintendent and Provincial Council of Auckland
2. Bequests endowments and subscriptions from whatever source
3. The lands in the schedule to this Act and such other land and tenements as the Provincial Council may from time to time set apart for Common School education in this province.

Common School Fund how applied.

44. The Central Board of Education shall hold all such annual appropriation bequests endowments and subscriptions and the lands enumerated in the schedule or such lands and tenements as may hereafter be specially set apart for Common School education in this Province in trust for the purpose of promoting secular education under this Act.

Surplus Appropriation Lands &c. how disposed of.

45. It shall not be imperative on The Board to expend the sum appropriated by the Superintendent and Provincial Council in any one year in assisting Schools as hereinbefore enacted: Provided always that any balance remaining from the annual appropriation by the Superintendent and Provincial Council of Auckland after making provision for all Schools under The Board shall be expended in improving or rendering available the Common Schools Reserves under this Act And the Board is required upon being requested by the Superintendent to lease for a term of years or let from year to year by public tender the lands in the schedule hereunto annexed or such other lands and tenements as may be specially set apart for Common School Education and apply the rents received therefrom in aid of the annual appropriation by the Superintendent and Provincial Council of Auckland should such aid be required but if not required then the Board shall in the name of the Board invest the same from time to time in New Zealand Stock and shall from time to time invest the accu-

mulated interest of such investments in like manner and shall in like manner invest or deal with any bequest subscription or endowment as hereinbefore mentioned: Provided always that no such lands or tenements shall be alienated by way of sale or mortgage nor by lease for any longer term than twenty-one years except under the authority of an Act of the Superintendent and Provincial Council of the said Province to be passed in that behalf nor excepting by deed signed by at least five members of the The Board and sealed with the seal of The Board.

When Act comes into operation.

46. For the purposes of rating this Act shall come into operation from the first day of January 1869. And all rates levied thereby shall be deemed to be due and payable on the day aforesaid.

Short Title.

47. The Short Title of this Act shall be "The Common Schools Act 1869."

#### SCHEDULE.

##### *City of Auckland.*

Parish of Waitemata, County of Eden.—Allotment No. 22, Section 24.

##### *Suburbs of Auckland.*

Parish of Waitemata, County of Eden.—Allotment No. 30, section 4; allotment No. 12A, section 11; allotment No. 11, section 12; allotments Nos. 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 216, 223, 236, 237, section 16.

##### *Albert Town.*

Parish of Oruawhoro, County of Marsden.—Allotments Nos. 2, 4, 6, 28, 30, 32.

##### *Town of Coromandel.*

Parish of Kapanga, Queen's County.—Allotments Nos. 3, 9, 22, 29, 45, 49, 73, 75, 79, 81, 85, 86.

##### *Town of Cameron.*

Parish of Puni, County of Eden.—Allotments Nos. 1, 2, 3, 4, of section No. 7; allotments Nos. 1, 2, and 10, of section No. 9; lot 1, of section No. 10; allotments Nos. 2, 3, 12, 13, of section No. 12.

##### *Grahamstown.*

Parish of Owhiwa, County of Marsden.—Allotments Nos. 16, 18, 19, 23, 28, 37, 40, 41, 43, 45, 47, 69, 70, 72, 74, 91, 130, 131, 134, 179, 188, 199, 200, 201, 202, 253, 257, 266, 270, 272, 273, 277, 280, 281, 282, 284, 285, 291, 292, 388, 389, 390, 391.

##### *Suburbs of Grahamstown.*

Allotments Nos. 2, 4, 6, 7, 8, 12, 18, 24,

28, 29, 30, 31, 32, 33, 34, 40, 42, 44, 45, 46, and 51.

##### *Town of Hokianga.*

Parish of Hokianga, County of Hokianga.—Allotments Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and from 13 to 26, inclusive; also, lots 30, 31, 32, 34, 42, 56, 67, 79, 98, 115, 144, 174, 220, 221, 222, 223, 224, 241, 242, 243, 245, and 246.

##### *Suburbs of Hokianga.*

Allotments Nos. 5, 16, 31, 38, 44, 48, 52, 57, 61, 94, 95, 96, 97, 105, 112, and 113.

##### *Village of Havelock.*

Parish of Mangatawhiri, County of Eden.—Allotments Nos. 8, 9, 15, and 17, of section No. 4; allotment 5 of section No. 9; allotments 7 and 8 of section 10.

##### *Village of Kaiwaka.*

Parish of Kaiwaka, County of Marsden.—Allotments Nos. 1, 25, 31, 33, 35, 37, 57, 58, 59, 60, 61, 62, 63, 64, 77, 94, 95, 109, 126, 127, 154, 155, 156, 157, and 173.

##### *Suburbs of Kaiwaka.*

Allotments Nos. 198, 200, 205, 206, 219, 220, 223, 226, 231, and 265.

##### *Village of Leigh.*

Parish of Omaha, County of Marsden.—Allotments Nos. 77, 80, 82, 106, 107, 108, 109, 110, 111, 112, and 113.

##### *Suburbs of Matakoho.*

Parish of Matakoho, County of Marsden.—Allotments Nos. 10, 15, 20, 21, 24, 36, 54, and 55.

##### *Town of Mongonui.*

Parish of Mongonui, County of Mongonui.—Allotments Nos. 56, 57, 78, 100, 101, 102, 119, 142, 145, 146, 160, 161, 168, 263.

##### *Town of Molesworth.*

Parish of Mangawai, County of Marsden.—Allotments Nos. 9, 10, 11, 14, 22, 23, 25, 26, 67, 86, and 87.

##### *Village of Mahurangi.*

Parish of Mahurangi, County of Marsden.—Allotments Nos. 62, 152, 153, 154, 155, 156, 157, 158, 159, 160, 166, 167, 168, 141, and 142.

##### *Small lots near the Village of Otakuhu.*

Allotments Nos. 43, 44.

##### *Town of Onehunga.*

Parish of Waitemata, County of Eden.—Lot 6, sec. 14; lot 8, sec. 14; lot 23, sec. 35; lots 14, 15, 16, 17, sec. 46; lot 16, sec. 47; lot 5, sec. 48.

*Village of Pannure.*

Parish of Waitemata, County of Eden.—Allotments Nos. 36, 37, 43, 45, 63, 64, 71, 77, and 78, section 2; allotments Nos. 73, 74, and 75, section 3.

*Town of Pakington.*

Parish of Waiuku East, County of Eden.—Sections Nos. 66, 67, and 70.

*Suburbs of Pakington.*

Lot 9, 13, and 23, sec. 1; lot 11, sec. 2; lot 11 and 9, sec. 7; lot 1, sec. 8; lot 1, sec. 10; lot 1, sec. 11; lot 1, sec. 13; lot 4, sec. 14; lots 16, 17, 18, and 19, sec. 16.

*Village of Papakura.*

Parish of Opaheke, County of Eden.—Allotments No. 47 and 58 of section 2; allotment 12 of section 6; allotments 1, 2, 3, 4, 14, 15, 16, 17, 31, of section 10.

*Town of Pahi.*

Parish of Paparoa, County of Marsden.—Allotments Nos. 3, 4, 5, 12, 13, 14, 15, 16, 31, 32, 33, 48, 49, 50, and from 60 to 68, 77, 78, 99, 129, and 160.

*Suburbs of Pahi.*

Allotments Nos. 1, 2, 5, 7, 8, 9, 14, 27, and 43.

*Town of Raglan.*

Parish of Whaingaroa, County of Rutland.—Section 6, lot 18; section 7, lots 1, 2, 3, 4, 5, and 6.

*Parish of Takapuna.*

County of Eden.—Allotments Nos. 36, 37, 39, Sec. 2.

*Town of Toka Toka.*

Parish of Toka Toka, County of Marsden.—Allotments Nos. 13, 14, 15, 23, 24, 46, 56, 101, 102, 118, and 119.

*Village of Taipa.*

Parish of Taipa, County of Mongonui.—Allotments Nos. 1, 6, 10, 15, 17, of section No. 1; allotments Nos. 2, 3, 8, and 11, of section No. 2.

*Suburbs of Taipa.*

Allotments Nos. 1, 2, 3, 4, and 7, of section No. 3; and allotment No. 8, of section No. 4.

*Town of Woodside.*

Parish of Takapuna, County of Eden.—Allotments Nos. 22, 23, 30, 31, 42, 43, 66, 67.

*Whau Township, North.*

Parish of Waikomiti, County of Eden.—Allotments Nos. 5, 23, 24, 35, of section No. 1; allotments Nos. 1, 2, 55, and 56, of section No. 2.

*Whau Township, South.*

Allotments Nos. 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 211, 212, 213, 214, 281, 282, 275, 277, 278, 279, 197, 162, 105, and 223; also, allotments Nos. 1A, 2A, and 3A, adjoining the above Townships.

*Village of Weymouth.*

Parish of Karaka, County of Eden.—Allotments Nos. 1, 2, 11A, 12, 13A, 45, 49, 91 to 97 inclusive, 68, 69, 119, 120, 121, 82, 83, 85, 86, 103, 104, 136, and 137.

*Suburbs of the Village of Weymouth.*

Allotments Nos. 3, 6, 10, 24, and 36.

Parish of AOTEA, Queen's County—Allotments, Nos. 30, 42, 86, 144.

Parish of ARAPOHUE, County of Marsden.—Allotments, Nos. 1A, 44, 74, 99, 101.

Parish of AHUROA, County of Marsden—Allotments, Nos. 47A, 54.

Parish of ARARIMU, County of Eden—Allotments, Nos. 71, 72, 91, 92, 93.

Parish of AWANUI, County of Mongonui—Allotments, Nos. 4, 9.

Parish of ARAI, County of Marsden—Allotments, Nos. 28, 75.

Parish of AWITU, County of Eden—Allotment, No. 5.

Parish of HIKURANGI, County of Marsden—Allotments, Nos. 60, 65.

Parish of HOTEQ, County of Marsden—Allotments, Nos. 10, 11, 18, 19.

Parish of KOPURU, County of Hobson—Allotment, No. 50, also subdivisional lots Nos. 2, 3 and 4 of allotment No. 2.

Parish of KARIOI, County of Rutland—Allotments, Nos. 58A, 59, 59A, 96, 99.

Parish of KAUKAPAKAPA, County of Marsden—Allotments, Nos. 1A, 87, 100, 105, 128A.

Parish of KOHUMARU, County of Mongonui—Allotments, Nos. 67, 92, 104, 113, 118.

Parish of KAIO, County of Mongonui—Allotment, No. 51.

Parish of KOMOKORIKI, County of Marsden—Allotments, Nos. 65, 81, 91, 101, 102, 108.

Parish of KAIATA, County of Mongonui—Allotments, Nos. 1, 6, 19, 23, 26.

Parish of KAWAKAWA, County of Hokianga—Allotments Nos. 12 and 13.

Parish of KARANGAHAPE, County of Eden—Part of allotment No. 97.

Parish of KAURAWHERO, County of Marsden—Allotments Nos. 51, 68, 69, 70, 71, 72, 73, 74, 80.

Parish of MAUNGATANIWHA EAST, County of Mongonui—Allotment No. 12.

Parish of MAUNGATANIWHA, County of Mongonui—Allotments Nos. 48, 48A, 59A, 72A, 100, 101, 118, 137.

Parish of MATAKOHE, County of Marsden—Allotments Nos. 76, 77, 78, 79, 205, 249, 257.

Parish of MARERETU, County of Marsden—Allotments Nos. 1, 12, 32, 37, 43, 45A, 64, 65, 84A, 118, 126, 151, 164, 173, 182.

Parish of MAKARAU, County of Marsden—Allotments Nos. 68, 73, 77, 82, 88, 96, 154, 164, 165.

Parish of MAIRETAHI, County of Eden—Allotments Nos. 2, 11, 14, 18, 30.

Parish of MANAIA, County of Marsden—Allotments Nos. 1 to 13 inclusive; part of 60, 45, 62A, 71A, 72A, 77A, 80A.

Parish of MANGAPAI, County of Marsden—Allotments Nos. 1, 23, 32, 93, 94, 111.

Parish of MARAETAI, County of Eden—Allotments Nos. 62, 64, 71.

Parish of MATAWHEROHIA, County of Hokianga—Allotments Nos. 1, 17, part of 5, part of 16.

Parish of MATA, County of Marsden—Allotment No. 20A.

Parish of MAUNGATETE, County of Mongonui—Allotments Nos. 8, 9, 10, 64A, 81, 84, 130.

Parish of MAUNGATAPERE, County of Marsden—Allotment Nos. 1A, 5, 5A, 94A.

Parish of MANUREWA, County of Eden—Allotment No. 8.

Parish of MAUNGAKARAMEA, County of Marsden—Allotments Nos. 129, 130, part 83.

Parish of MANGATAWHIRI, County of Eden—Allotments Nos. 70, 71.

Parish of Owhiwa, County of Marsden—Allotments Nos. 213, 214, 215, 216, 217, 218, 219, 220, 221.

Parish of OKURA, County of Eden—Allotments Nos. 1A, 31.

Parish of OMARU, County of Marsden—Allotments Nos. 31, 111, 125, 132, 133, 134, 143, 147.

Parish of OMAHA, County of Marsden—Allotments Nos. 71, 110A, 114, 117.

Parish of OMANAIA, County of Hokianga—Allotments Nos. 1, 14, 18.

Parish of ORURU, County of Mongonui—Allotments Nos. 31, 41.

Parish of OKAHU, County of Marsden—Allotments Nos. 5A, 13, 23, 36, 49, 85, 129A, 135, part 144, 145, 182.

Parish of ORUAWHARO, County of Marsden—Allotments Nos. 36, 74A, 75A, 176, 188.

Parish of PAREMOREMO, County of Eden—Allotment No. 82.

Parish of PUHOI, County of Marsden—Allotments Nos. 1A, 52, 53, 54.

Parish of PARAHAKI, County of Marsden—Allotments Nos. 34, 100.

Parish of PUKEATUA, County of Eden—Allotments Nos. 30, 35, 52, 267, 280, 288, 290, 305.

Parish of PUPUKE, County of Mongonui—Allotments Nos. 8, 14, 27, 44, 52, 59, 62, 64, 85, 100, 107, 118, 141, 149.

Parish of PAPAROA, County of Marsden—Allotments Nos. 1A, 123.

Parish of PAKIRI, County of Marsden—Allotments, Nos. 26, 36, 42, 117.

Parish of PUNI, County of Eden—Suburban Allotments, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18.

Parish of PAKURANGA, County of Eden—Allotments, Nos. 56, 143, 151, 152, 154, 155, 156, 179, 182.

Parish of RUATANGATA, County of Marsden—Allotments, Nos. 10, 76, 87, 104, 109.

Parish of RUARANGI, County of Marsden—Allotments Nos. 87, 90A, 112.

Parish of RUAKAKA, County of Marsden—Allotments Nos. 28A, 34, 35, 37, 70.

Parish of TAURAROA, County of Marsden—Allotments Nos. 2, 30, 69, 94, 99, 108, 129, 130, 139, 140, 141, 142, 143, 144, 145.

Parish of TAKAPUNA, County of Eden—Allotment No. 180.

Parish of TATABARIKI, County of Hobson—Allotment No. 34.

Parish of TITIRANGI, County of Eden—Allotments Nos. 1, 61, 83.

Parish of WAIKUKU EAST, County of Eden—Allotments Nos. 87, 88, 93, 94, 110, 112, and suburban allotments Nos. 165, 166, 167, 173, 174, 175, 176, 177.

Parish of WAIKIEKIE, County of Marsden—Allotments Nos. 28, 29, 161.

Parish of WAIKARE, County of Marsden—Allotments Nos. 2, 3, 83.

Parish of WHAKAPIRAU, County of Marsden—Allotment No. 41.

Parish of WAIRAU, County of Marsden—Allotments Nos. 97, 98.

Parish of WHAREHINE, County of Marsden—Allotments Nos. 40, 41, 42.

Parish of WAIWERA, County of Marsden—Allotment No. 149.

Parish of WAIROA, County of Eden—Allotments Nos. 51, 52, 53.

Parish of WHAU WHAU, County of Marsden—Allotment No. 76.

Parish of WAIKOMITI, County of Eden—Allotments Nos. 187, 192, 193, 194, 196, 197.

Parish of WAIPAREIRA, County of Eden—Allotments Nos. 41, 42, 59, 61, 62, 82, 93A, 108.

Parish of WAITAKEREI, County of Eden—Part of allotment No. 57.

Parish of WHAKAHABA, County of Marsden—Allotments Nos. 13 and 23A.

## PUBLIC NOTIFICATION.

Superintendent's Office,

Auckland, 18th March, 1869.

UNDER and in pursuance of the powers vested in me by the "Auckland Reserves Act, 1858," I hereby notify that all that piece or parcel of land mentioned in the Schedule hereunder written will, on Monday, the 26th day of April, 1869, at 12 o'clock noon, be offered for lease by public auction, by Messrs. Cochrane & Son, at their Auction Mart, Fort-street, Auckland.

J. WILLIAMSON,  
Superintendent.

## SCHEDULE.

### HOSPITAL ENDOWMENT.

Suburbs of Auckland, Parish of Waitemata, County of Eden.

Section.	Area.	Upset Price of Yearly Rental.	Term.	Situation.
	A. R. P.	£ s. d.		
98	3 3 27	75 0 0	21 years	Mechanics' Bay. At present in the occupation of Messrs. Ireland, Bros.