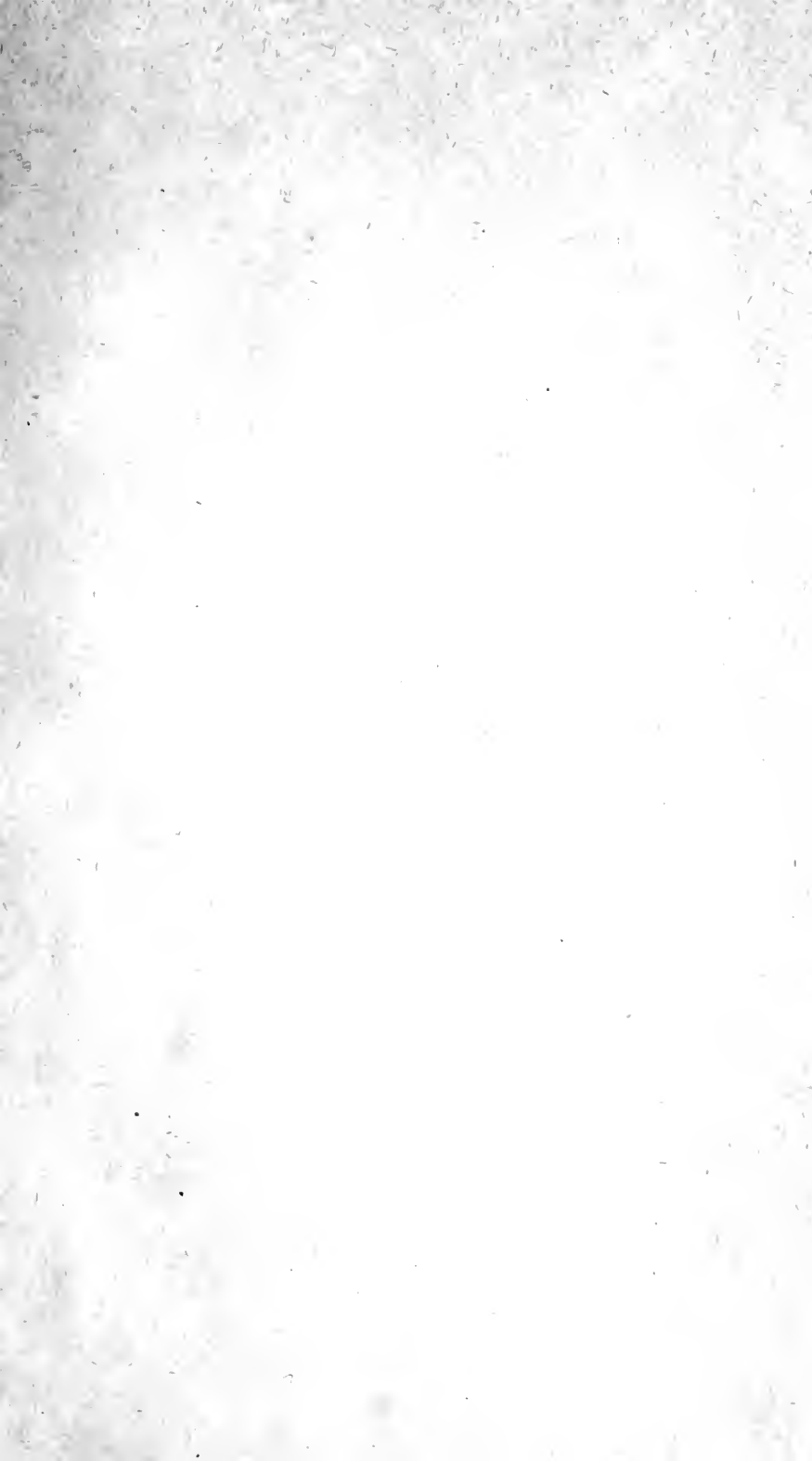


3 1761 04269 9306

The voluntary principle
adapted to compulsory
education in rural
districts

LA
631
V.7
V65





Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

THE
VOLUNTARY PRINCIPLE,

ADAPTED TO
COMPULSORY EDUCATION

IN
RURAL DISTRICTS.

BY A COUNTRY CLERGYMAN.

WITH BILL FOR CARRYING THE PROPOSED PLAN
INTO EFFECT.

OXFORD :
PRINTED (FOR PRIVATE CIRCULATION) BY J. VINCENT.

MDCCCLVII.

LA
631
.7
V65



977627

P R E F A C E .

IF there be any persons who think that what is called the "Bible Scheme" is the "British and Foreign System," applied to National Education, the remark at the end of page thirteen will seem to them equally unfounded and uncharitable, as if it meant that the promoters of British and Foreign Schools would be ready to change religious for secular education. No such unfounded charge is intended; the fact being, that the so-called "Bible Scheme," is no more compatible with the conduct of British or Foreign, than of National, and Roman Catholic Schools. The former excludes indeed and the others include religious formularies, but all alike, as far as they teach the Bible, do so dogmatically; the one on the principles of interpretation generally recognized by Non-Conformists, and by some members of the Church of England, the others after a different rule. But the "Bible Scheme" would suffer no such liberty of interpretation by either party, and in this it is consistent with its avowed object of erecting a National System to comprehend all. For, to refuse aid to Schools because they insist on religious formularies, and yet permit men to interpret Scripture as they please, to all their Scholars, is a mere evasion of the difficulty; the only difference between teaching by formu-

laries, and by oral interpretations of Scripture, being that in the one case you know, and in the other case you do not know, what is taught, so as to guard against a child being indoctrinated with (presumed) error.

What I meant therefore to convey, is that whereas between the "Bible" and the "Dogmatic" schemes there is an irreconcilable difference, it is otherwise as between the "Bible" and the "secular" schemes. The same statesman who upholds an Irish national system, in which the Bible is only taught (as a Bible) out of school hours, originates a plan in England in which the Bible is to be read in School, but not explained doctrinally. Having conceded thus much, it is but a little matter to concede further that the reading itself should form no part of the School system; and this is all the secularist would require. The substance of these remarks would have been inserted in its proper place, but the possible misapprehension of my meaning did not occur to me till it was too late to make the necessary alteration.

THE VOLUNTARY SYSTEM,

&c., &c.

THE title of this pamphlet sounds awkwardly ; what I intend by it is, that it should be compulsory on parents to have their children educated, and that the voluntary principle should supply the means.

Let us consider first of all the working and prospects of the system which is now aided by the State : if this be done in an impartial spirit, it will help us to determine whether the voluntary principle is capable of educating the people.

For the want of a better name, I will call the present plan of State-assisted education, the Denominational System : by which I mean that all denominations in Church and State may avail themselves of it. In proportion to the voluntary exertions of each, aid is given. The State takes security that the Schools assisted by its grants shall be efficiently conducted ; the principle on which its assistance is rendered is, to stimulate voluntary exertions by helping persons to help themselves ; “*aide toi et ciel t'aidera*” may be its motto.

Now the very existence of this state of things is in its favour. Throughout the length and breadth of England it is in active operation ; to destroy it would be to throw the whole educational machinery of the country out of gear : to substitute, for a system in co-existence with which, say one in eight of the population are educated, any untried plan however excellent in theory, might well alarm the boldest innovator : to replace it by another voluntary system would be confessedly impossible : to displace it and thus to destroy the large, and on the whole the successful work of years, must require something more than an ordinary justification to prudent men.

For in the next place, the denominational, considered as a voluntary system, is impartial: it offers no advantage to one which it does not offer to another; or if any class of men have reason to think themselves aggrieved in this respect, their claims are open to adjustment. The advocate of secular education as well as the member of the Church of England, the Romanist not less than the Protestant Dissenter, may, without interference with their respective tenets, if they think it worth while, avail themselves of it. It is owing to this strict impartiality, that in an age remarkable for religious differences, the practical work of education has been carried on without material discord.

Add to this, that the existing system is making considerable progress; that under it, the ratio of the educated to the whole population increases yearly; that new schools are continually being open; so that there is good reason to hope that at no distant time we shall bear a favourable comparison with the best educated nations of Europe, and with America. You have (say the more sanguine advocates of the existing system) but to foster the growing desire for knowledge and improve the education itself, which can be done equally under the present as under any other plan, and the reproach of ignorance will gradually be removed, until an uneducated man will be a disgrace,—an uneducated district an impossibility.

But upon this last point the advocates of a compulsory system join issue. They reason briefly thus:—No voluntary system however well established and impartial, however up to a certain point progressive, can educate a nation. When the welfare of the many depends on the free-will exertions of the few, it cannot but be that some should be ill-disposed to fulfil their duty, and others incapable of doing it. You trust, on your own shewing, this great work to accident. If one man, (say for instance a Clergyman with private means and a small living,) establish a School in his parish, his successor through want of means may be compelled to abandon it.

So then you have no security for the stability of your Schools even where they exist; and still less have you any security for their establishment, where they do not. If in a Church district you have a Romanist or Dissenting Proprietor

or *vice versa*; if this possessor of property be a minor; or that man a spendthrift, or avaricious, or latitudinarian, or intolerant, or impracticable; what will you do? Yet on these men and such as these the establishment and maintenance of your Schools must in many instances depend, and on the most favourable estimate of chances must not unfrequently break down. At the present time, the records of our gaols shew a large criminal population totally ignorant; and the Inspectors in different districts and counties give a lamentable picture of educational shortcomings. To this state of things it behoves us to apply a speedy, efficient, and certain remedy. That which may or may not be done under a voluntary, must be done under a compulsory system, and to this therefore we ought to have recourse.

It is self-evident that there is some force, to say the least, in these objections; that as matters now stand, the establishment and maintenance of Schools is subject to uncertainty and failure. What amount of failure is matter of conjecture. Whilst men are what they are, voluntary exertions will more frequently fail than the earnest advocate for them would anticipate; less frequently, considering the growing desire for knowledge and the influence of example in stimulating the most inert to action, than those on the other side would give credit for.

Some failures however there must be, but whether sufficient to call for or justify the resort to compulsion we need not decide. For there is one circumstance which I do not say has not been sufficiently noticed, for the fact itself has attracted considerable attention, but which I have not seen traced to its source. If it had been so traced, not only it would have greatly inclined the balance in favour of a compulsory system, if a satisfactory system of compulsion can be devised, but we should have heard less of two chief objections urged against compulsion in the abstract.

The case is this :—that while the establishment of new Schools in rural districts causes an increase in the aggregate number of children of all ages receiving instruction, the registers of Schools established even for a few years, give year by year a lower average of age, especially amongst the boys.

Year by year they are withdrawn from School and sent to farm work at an earlier age,—at an age too early to retain the knowledge which they had acquired: a state of things the more remarkable, because *a priori* it was not to be expected; since the improvements in modern tillage interfere to some extent with the employment of young boys on a farm. Still the fact remains as an ascertained evil within the personal knowledge of every promoter of education in rural districts. (See Appendix 1.) More than one remedy or palliative of the evil has been suggested and tried, but with no large or uniform success. And for this reason, that all such remedies proceed on the assumption that the labourer can if he will, and he will if sufficiently encouraged, continue his children at School; that it is by his choice, as thinking them sufficiently advanced, that they are taken away. There may be, doubtless there are many such cases; by all means let us try to deal with them. But what I wish to point out is, that in countless instances the parent has no such choice, because the pressure of his employer compels him to withdraw his child from School for work, whether he will or no.

When a School is first established in a parish, the attention drawn to the subject and the utter ignorance of the elder children constituting a plea for their education too powerful to be resisted, the normal state of things is interrupted, but after a few years is gradually resumed and works as follows:

A is the father of a family of six children; he receives, with the 4lb. loaf at 8d., 10s. per week: he complains to his employer that he cannot live upon it; he gets for answer, that his son John aged eight years shall have work at 1s. 6d. per week, and John is withdrawn from School.

B is a similar case but the elder children are girls; the husband complains of inadequate wages, 6d. per day is offered for the wife's labour in the field, and Mary must stop at home to mind the baby.

C is a man in ill health and requiring parish relief; the question instantly arises which of the children can possibly be made use of, not to prevent the man being pauperized, which is impossible, but to lessen the burden on the parish, and the school-days of that child are ended.

D is a widow, or a wife deserted by her husband; she receives so much a head for each of her children (just sufficient to support life) out of the workhouse: not in one instance in a hundred is the act of Parliament which empowers guardians to pay for the schooling of these children applied in her favour; but if out of her scanty means she pays for the schooling of the eldest, or some one pitying her condition does it for her, at an age too early for the child to have acquired permanent knowledge, the vigilant guardian thinks it high time that it should maintain itself; the mother receives less relief, and the rate-payers get work for their money.

E is an illegitimate child or an orphan maintained by the parish, and set to work at the earliest opportunity.

F is simply a "likely lad" who promises to be useful, a farmer wants him at eight or nine years old and the father dare not refuse his consent.

The boys thus lost to the school are put to bird-keeping, or pig-keeping, or to attend to the horses under the carter, or sheep under the shepherd, &c. Always early at their work, and often late, Sundays as well as other days find them occupied; at the age of twelve years the effect of school discipline has been lost, and the very rudiments of knowledge are gone; and fifteen or sixteen finds them idlers probably at the Village Cross, rude, ignorant, hopeless, used up for the purpose for which they had been required, and displaced on some trivial pretence to make room for a fresh importation of younger and therefore cheaper labour drawn from the pauperised home, or the village school. He who knows anything of the inner working of rural life in England, knows that I am describing that which is the rule, not the exception; that it is his own experience as well as mine that I have without exaggeration set forth. But if this be so, three things would seem to follow.

1st, That we should be upon our guard against a mistaken use of terms. "No compulsion!"—"No interference with parental duties!"—these are popular rallying cries, and largely used. With doubtful propriety perhaps, at best. For if to starve a child's body be a punishable offence, much more should the wilful neglect of its higher nature be held

criminal ; since the neglect of the former affects chiefly the individual, whereas the perversion or destruction of the nobler faculties is fraught with danger to the community at large. But passing this by:—in the cases before us to compel is really to protect. The parent may have conscientious objections to this or that school, and these must be respected ; but the agricultural poor man, as a general rule, desires his children to be educated ; he will cheerfully contribute to their education ; but he is, to speak plainly, under the screw. Let any one run down the list of cases which I have specified and ask himself in which of these a person, under the combined operation of the law of settlement and the poor-law, has any choice whether to educate his child or no ? Not so ; the real compulsion, if compulsion be resorted to, will be that the employer of labour must suffer the parent to do that which his natural feelings, and the example of his neighbours, and the pride of class, which has place with the poorest as well as the richest, incline him to. I repeat, that to compel is in this matter to protect the poor ; just as to compel the observance of the Lord's Day is in other words to protect the poor in the enjoyment of a day of rest, of which they would else be deprived.

The second remark which this state of things suggests is, that calculations based upon the amount of wages earned by children under ten or twelve years of age must be fallacious.

To compel children, who are at work, to attend school, contended Sir James Graham in the last session of Parliament, would cause the loss of an enormous sum, the amount of their present earnings, to the poor. But this as far as regards the agricultural poor surely is a mistake.

In the cases C, D, E, before mentioned, representing each of them a numerous class, there will be no such loss at all ; the child at school cannot be allowed less from the parish than suffices to support life, the same child at work will not be paid more.

In classes A and B, the farmer paying for the labour of the head of the family, not according to his value but his wants, the labour of the child or the wife is simply so much more got by the farmer for the money which the necessities of the family require. It were not too much that the head of such

family should be paid for his own work 12s. per week, instead of 10s. He must be paid as much, if he had no wife or child at work; the wages would be the same, but at present the farmer obtains the labour of two for the worth, or less than the worth, of one.

Of class F I need only remark, that for as many of these as are employed, at least as many of more advanced age will on an average be found unemployed, so that the balance of earning is against the labourer.

But again on this point. Though the rate of agricultural wages is to some extent dependent on circumstances exceptional to the usual laws of political economy, (for the labour market is at the command of the employer,) yet in every parish, and even district, a standard of wages prevails; and if instead of 10s. a week, A and B, as above, must be paid 12s., the rate of wages of able-bodied men would rise to that point. What farmer Jones pays his men, farmer Smith will pay, at least without material difference.

And once more on this head. According to the ordinary rules of supply and demand, the opening of the labour market of young children to the farmer, on his own terms, renders the labour of others of more advanced age less valuable and more precarious. The lad of 15 must take less wages, or, (a matter of hourly occurrence,) be thrown out of employ altogether, because the farmer can at once lay his hand on a lad of 10 to supply his place. It seems impossible seriously to contend, that the shutting up a source of cheap labour will not render the labour that is left more valuable, and the demand for it more certain. I believe that if children under 12 years of age were not allowed to be employed, that the general earnings of the labourer would be considerably increased. It is clear, almost to demonstration, that they could not be diminished. And I may add that the farmer himself, who at first would seem the only sufferer, would in the long run be most benefitted: for his labourers being more contented and intelligent, would be more trustworthy and valuable; the work better paid for, would be better done. Low wages are no more economical than bad roads: the Lincolnshire farmer is not less flourishing than he of Dorset. Observe, I am not

blaming the farmer for the way in which he acts ; I am not called upon to blame him. He buys in the cheapest as he would sell in the dearest market, and but few living Statesmen can throw stones at him for doing so. But inasmuch as that is not free-trade, much less reciprocity, when a man takes what he wants on his own terms ; inasmuch as what the farmer wants and takes, without power of choice on their part, is the weak and defenceless of his fellow subjects ; it becomes the duty of the State to interfere on their behalf, as with respect to children employed in factories she interferes already, and, to use a good old English expression, see fair play.

And this leads me to remark in the third place, that only a compulsory system of education can reach such cases as the above. To provide means of education is of no use, if those for whom they are provided cannot take advantage of them. More or less, a purely voluntary system must sometimes fail ; yet in consideration of the much it has accomplished, and the more that it daily is accomplishing ; and the difficulty, amounting to almost an impossibility, of finding a satisfactory substitute for it, one might well hesitate to disturb it : but if, when brought into operation, it is unable to do its work effectually, from causes extrinsic to itself, the country cannot and will not remain satisfied. Men may rest satisfied, if you say, " we acknowledge our short-comings, but we are making progress, and in time shall succeed ;" they will not rest satisfied when they know the truth, that there are large classes powerless to help themselves and for whom your voluntary system is impotent.

I propose then that the labouring poor shall (for their own protection) be compelled to educate their children. And, in order to this, that children should not be allowed to work for hire till they have reached a certain age, and acquired a competent degree of knowledge.

The question next arises, what system is to be adopted ? and it is a question of huge perplexity.

To those for whom I write, it is unnecessary to do more than allude very briefly to the systems that have been proposed, and the difficulties in the way of the adoption of either of them.

We have three principal schemes, viz.:

1. Lord John Russell's, or the Bible Scheme.

2. Sir John Pakington's, or the Dogmatic Scheme.

3. Mr. Fox's, or the Secular Scheme.

By the first it is intended that the Bible should be read, but Dogmatic religious teaching excluded.

According to the second, that Dogmatic religious teaching should be used, the parish or district in which each particular School is established deciding by vote of the rate-payers what character each School shall assume.

According to the third plan religious teaching is omitted altogether.

Thus far the Schemes differ. They agree in making a compulsory provision for the education of the children of the working classes. This requirement is of the essence of each Scheme. The ways and means by which the Schools are to be supported may fairly be looked upon as matters of detail. No objection can be fairly taken against the principle of any of these Schemes, as compared with the others, because of these matters of detail; they are subject to modifications without affecting the rationale of the plan itself.

Taking these plans in the order in which they stand, Lord John Russell, recognizing the necessity of religious instruction, proposes to supply each scholar with what I may call the raw material of truth; leaving it to the after care of the parent or minister to apply what has been imparted according to their respective religious views. "The Bible," say the advocates of this Scheme, "is the foundation of all religious truth. We cannot therefore leave it to chance, whether a child shall be taught the Bible or not; but we will not do violence to the conscience of any man by insisting on a particular mode of interpreting the Bible." To which the opponents of this plan make answer,—"that to supersede in this way what they believe to be the correct method of interpreting the Bible, would be a heavy blow to the truth itself; that a Bible so read would cease to be an inspired book to the minds of those who read it; indeed, that a Bible not explained, and explained dogmatically, is no Bible; for the Bible is a record of dogmatic truth. That such a plan would be the surest way of destroying all reverence for

the word of God ; that, in a word, you would not spiritualize what is secular, but secularize what is spiritual by handling the Holy Scriptures thus."

I am not saying what comparative weight is due to these, or other arguments affecting any of the plans proposed ; I only desire here to state them fairly, as those which, whether well founded or not, have weight with large numbers of persons, and preclude all hope of general concurrence in any one system of education. With respect to the Bible plan, very many would prefer a Scheme in which the religious element was altogether wanting, to one in which it is introduced, only in their judgment, to depreciate it.

And the Scheme which I call Dogmatic, because it includes the dogmatic religious teaching which the rival schemes ignore, whatever shape it may ultimately take (see Appendix 2), recognized the force of these objections. "The experience of years has shown that the large majority of those who promote education in this country, is in favour of inculcating dogmatic truth ; that in their opinion dogmatic truth is inseparably connected with religion, and that without religion education is a curse and not a blessing. But in compulsory Schools, supported as they would be in great measure out of the rates, the majority of the ratepayers must decide and the minority must give way : it must as in other disputed cases be put to the vote, what particular description of School shall be established in a parish, and become in fact the Parish School."

But against such a Scheme arose an outcry long and loud from all quarters.

With how great difficulty, it is argued, does the system of church-rates maintain its ground ; nay how certainly is it doomed, at no distant day, to overthrow. Yet that has in its favour the prescription of years and stops far short of the point to which the present proposal would bring us. Can a more fruitful source of religious discord be conceived than to determine by vote whether the children of a whole district shall be educated by the Church or by dissenters ? Anything more latitudinarian than that a board of rate-payers should determine what is truth ? Anything more oppressive, than that this man should pay for what he entirely disapproves ;

and that man's children should be left untaught, or be brought up in a mode of belief opposed to his own?

The advocates of a Secular Scheme have then a fair claim to be heard when they argue, "There is a great work to be done, that of educating the people; your Voluntary System cannot do it; your Bible Scheme would be a pretence; your Dogmatic Scheme oppressive. But our plan, even when compulsory, would be impartial; it leaves religion to be taught by the teachers of religion; it introduces nothing about which there can be a difference of opinion, while it imparts such knowledge as will make a man an useful and intelligent member of the Commonwealth. The domains of secular and religious knowledge do not traverse each other; if you desire to add religious to your other knowledge, there will be nothing to prevent you; if to abstain from doing so, there will be nothing to compel you."

And in this way, doubtless, we should escape from many difficulties hard to be adjusted; only the religious instincts of the nation, as evidenced in the sort of schools which they have voluntarily established for themselves, revolt against the plan. From the conduct of daily education they cannot separate the religious element. You cannot put them down with a sneer as to "what religion has to do with the rule of three." There is a religious tone in teaching secular things which they expect to find: there are higher rules and motives than those of earth which, not inculcated and made the basis of instruction and discipline from day to day, they feel no assurance that your scholars will, when pressed by temptation in after life, approve themselves the good citizens and the faithful subjects, which he who has been brought up in the knowledge and fear of God will aim to be. Rightly or wrongly this is their conviction, and in the teeth of such conviction the time is not yet come for forcing a Secular System upon a reluctant people.

But however much we may dislike it, it presents itself daily more forcibly to the minds of those who dislike it most, as the only practicable alternative to the existing system. In a little while it will have drawn the advocates of the Bible Scheme into its ranks. For if it cannot be denied that the

Bible is only useful when it is understood, and is not intended as a mere spelling-book: then, the capacity of reading being acquired through other books, to him who is to give the explanation of the Bible in the Sunday-school or at home may well be delegated the work of teaching what he is to explain. The advocates, on the other hand, of the Dogmatic Scheme, according as their sense of the importance of dogmatic teaching or their conviction of the necessity of compulsory education is the stronger, will range themselves either with the upholders of the existing, or with the projectors of the Secular System; and on a subject which of all others ought to be most free from party bias, we shall see two great parties formed, and this the issue:—Voluntary, but Religious education, with all its shortcomings; or Compulsory, but Secular education, with all its great omissions and draw-backs. And in such contest the advocates of change will have the ultimate advantage, for they will appeal to present palpable evils which require to be remedied; while on the other side will be but prognostications of calamities to come which may or may not be justified by the event. Year by year the attack will be repeated, until, unless in the meanwhile a remedy for the evil is found, it proves successful. In politics as in war the besiegers have great advantage over the besieged, and few positions are so strong as to be impregnable.

But is the evil complained of incapable of a remedy without abandoning the present system? In other words can you make education compulsory, and a voluntary system supply the means?

I would suggest the following plan for consideration,—

First, that no child under the age of twelve years should be allowed to work for hire, except in special cases or at particular times of the year.

Secondly, that no such child, with certain exceptions, should be allowed to work for hire between the age of twelve and fifteen, until he or she shall obtain a certificate of competent knowledge in reading, writing, and the four first rules simple and compound of arithmetic.

Thirdly, that if at the annual examinations to be held for the purpose of granting such certificates, the children of any

parish or district shall be found deficient in the requisite acquirements, the Examiner shall report the result to the Minister of Public Education, who shall notify to the inhabitants of such district or parish that, if after a given time the same deficiency were found to exist, sufficient school-room would be provided, with certificated teacher or teachers to conduct free schools, on the Secular System, such Schools to be established and maintained altogether by a parochial rate.

It would be open to the managers of Schools to plead that there were already in existence sufficient means of education provided upon equitable terms, so that the parents alone were to blame for the children's short-comings. Such plea, if established, would exonerate the parish or district in question.

I would briefly explain my reasons for proposing this plan, and the result which I anticipate from it.

The first proposal is a necessary consequence of every compulsory system, and requires no observation. The proper age at which children should be sent to work would be open for consideration—twelve years is perhaps the earliest age at which children would so have acquired knowledge as not afterwards to lose it.

The next proposal, which looks in the first instance rather to results than to the process by which the results would be obtained, involves less interference with the liberty of the subject and parental obligations than to require specifically that children should be sent to School. The child would in practice almost invariably be sent to School, and if in any case the necessary information were imparted at home, a poor man's home in which the parent had at the same time the ability and the inclination to instruct his children, would leave little to desire that a School could impart. That must needs be a well conducted home, and a sound moral training where such a result is possible.—(See Appendix 3.)

With respect to the proposed examination, it will at once occur that the standard is low and the subjects embraced in it purely secular. The first must needs be the case, when you deal with a number of persons dependent for their daily bread, upon the result of an examination. The subjects proposed for examination are so chosen as to furnish the simplest

means of ascertaining the capabilities of the children ; and it must be the work of the respective Schools in which they are educated to insure that in the ample time which would be given for the purpose, that which is of higher value is acquired ; while the children are in the act of acquiring the powers and capabilities, the existence of which the State sets itself to ascertain. The rules of such Schools might be so framed as not to admit children to them except at an early age ; not to suffer them to continue without a regular attendance ; and the fear lest they should fail in their examination would prevent their being withdrawn before the appointed age. If it were found necessary to make the system of examination more satisfactory, at the age of fourteen years it might be repeated. If in the interval between the two examinations the child had not lost what it knew, there would be no fear in this respect for the future ; and to prevent failure in the second examination, in some cases the Day School would continue to be frequented ; in other, the Night School and Sunday School would sufficiently supply its place. The annexed bill contemplates but one examination.

My third proposal is based on this: that when the only alternative open to a man, is to do what he approves at a smaller expense, or that which he does not approve at a greater expense, he will in every instance prefer the former ; and that in the sight of a greater evil near at hand, men must, as in the sight of a foreign enemy, compose their lesser and domestic differences. The State would say in effect this:—“ We must have the children educated ; if you will voluntarily establish Schools sufficient for this end, we will aid you in doing it. By assistance in building, by payments to your masters, by capitation fees, by pupil teachers, by payments of the scholars themselves, out of the total expense of the School but a moderate share will fall upon the voluntary promoters of it : and if in the conduct of the School itself you give up something which you would wish to have, you will in doing so keep far more which otherwise you must lose. To decline the small expense will be to bring upon yourselves the greater ; to give up nothing will be to lose all.” Let calculation come to the aid of conscience ; make it to a man’s immediate interest to do

right rather than do wrong, and the compulsory will have stimulated the voluntary principle and the end will be attained.

How would this work as regards existing Schools, and as regards Schools remaining to be supplied?

In agricultural towns and villages containing more than one School, the present system would need little or no modification. The rules of existing Schools are in such cases so adjusted, that he who from whatever cause dislikes one School, finds another open to his children.

In those large number of cases where one School only can be maintained and education is virtually a monopoly, the rates of payment must be so arranged as to bring admission within the reach of all; and the rules with respect to religious teaching and Sunday attendance so carried out as to do no violence to the reasonable convictions of any: and where the boundaries of parishes shall bring children within easier reach of the School of an adjoining parish than the School of their own they must be allowed to substitute the one for the other.

Take the case of a Church of England School, the only School in a village in which however there is a considerable mixture of dissent. In such a case, and *mutatis mutandis* this will apply to Dissenters' Schools, Dogmatic teaching would not be omitted; but a time, say the first School hour in the day appointed for imparting it, and during this time and on Sundays, the children of Dissenting parents would be allowed to absent themselves.

I do not mean that the remaining teaching of the day should be secular, though the Bible would have its place in the first hour; on the contrary, it might well be more truly religious than it is commonly made. The School-master should carry on the thoughts of his scholars from the principles which he had inculcated to their practical results; and as to these he would find few to differ from him. The difference between members of the Church of England and Dissenters of whatever denomination is not as to the result at which they respectively aim, but as to the correctness of the principles from which they start, and the efficiency of the motive power which they apply. To the Nonconformist my leading principles would be erroneous; and he, in my judgment, would

be equally in the wrong ; but we aim surely at the same point,—to make our children, if it may be so, what God would wish them to be : and he who, as a school-master should lead the thoughts of his scholars to God, as the God whose finger is to be traced in every work and His presence seen in every place and time,—in whom we live and move and have our being ;—to whose laws we must have regard ;—for whose glory we must act ;—to whose will we must submit ;—at whose throne we must pray ;—and by whose fiat we must be judged : he who conducts a School, as every School should be conducted in such a manner as this, will have given no mere secular but in the truest sense a religious education ; and will find none to differ from him but the Atheist, if such there be, who denies the existence of a God ; or the Deist who believes that a God exists but cares not for the eternal interests of the creatures whom He has made. For such men, and for their children, we need not aim to adapt our Schools. He who has leisure enough and grasp of intellect enough to disprove the existence of a God, or the revelation of God to man, has no need that his children should require instruction at the hands of God-confessing men,—has no claim that a nation which recognizes a God should come to his assistance.

With regard to Schools still requiring to be established, the pressure upon a district or parish standing in need of such Schools to initiate them at once, would be so great (as I have already shewn), as to be practically irresistible. The shape which these Schools would take, will of course depend largely upon the religious circumstances of the parish or district requiring them, but this in fact is always so, whenever a School is established. But the nature of the School would not be determined any more than now by the vote of rate-payers ; but as now, those who feel the most strongly, or have most at stake, will take the lead, and others will acquiesce, and in their measure assist, lest failing to do so, they should be called on as rate-payers to bear the whole expense ; and so new Schools will spring up where they are required, and take a form satisfactory to those who initiate, and not objectionable to those who might perhaps if it had been in their power have preferred something different.

Having said thus much, I must beg to assure my brother Clergymen, and fellow Churchmen, that I am really not a secularist in disguise seeking to get in the narrow end of the wedge that the rest may follow. It is because I shrink from the notion of secularism becoming the State education of the country that I make these suggestions; and I shrink from the notion, because if our Day Schools be not places of religious teaching, there will in too many cases be no opportunity for the religious teaching of the young: since, where men do not care for religion, (as how many do not,) they have their children religiously educated, because otherwise they could not now be educated at all. A secular education would destroy this hold upon them; and the religious instruction which we could impart to children would be measured not by the wants, but by the wishes of their parents; and in religion, he who wants most desires least. A secular education would give a fatal blow to the religious teaching of the poor; but, for all that, we must allow it its proper place, and accustom ourselves to regard it as it is; viz., as the system which, because as far as it goes it can be extended indiscriminately to all, and if it does less does no more than it can justify, must ultimately be resorted to unless we can prove that we can do our work without it.

What is it that if the scheme which I advocate were adopted we should be called on as members of the Church of England to forego? The power of teaching the Catechism and Dogmatic truth to those who at home and by their own ministers are taught to regard such teaching as wrong. Is it possible to devise a plan more calculated to injure the tone of religious belief itself, and impair your authority and influence for good over your scholars in other respects, when on the most important of all matters the Clergyman and the Schoolmaster are at variance with the Parent and the Minister, and what the one insists upon as true, the other reprobates as false? In my judgment we give up nothing, when in teaching sound doctrine to our own children we leave untaught, with respect to others, that which is read but not received, repeated indeed, but as a fable and not as truth.

I suppose that this will savour to some of unsound Church-

manship. Yet the teachers of the Early Church adopted the same rule. They received all who came, and taught freely to their catechumens what they were capable of appreciating, but they did not permit any who might by possibility despise the sacramental mysteries to be present at the handling of esoteric truth. Enough however of this. He is in my opinion the best Churchman, who so adapts his principles to the state of things around him as most effectually to do the Church's work. If in a dogged adherence to abstract principles we let slip our opportunities of usefulness, till we and our principles are set aside together, the Church may well exclaim "Save me from my friends."

We do not by these proposals depreciate the exertions of those who, whether disliking or distrusting Government aid, have multiplied schools in the midst of great discouragements, without any public grant, by requiring the managers of such schools to submit to inspections, and conform to rules other than their own, as the condition on which the children of the poor shall be allowed to attend them: we do not compel any managers of schools, whether aided by government or not, to alter their religious teaching: only in those particular cases where there are children shut out by their rules, and who have no other school to which they can resort, we, in the interest of such children, invite the managers to consider whether it would not be advisable to permit them to be absent during a portion of the day, rather than allow a school where no religion is taught to be established in the place, an event which would cause the withdrawal of many scholars from the religious school, and render its very existence doubtful? Is sound Churchmanship so utterly incompatible with sound common sense that we doubt which to choose?

You say, perhaps, we ought not to be compelled to make such choice. But if there are children whom you cannot or will not educate, are you prepared to say that they shall not be educated at all? The proposed system would in a manner be calculated to give the voluntary promoters of education great advantage, bring to an immediate issue the question, what they are capable of doing and what they are willing to do in this matter. Whatever they are capable of doing, and willing

to do, they will be left at perfect liberty to do ; whatever they leave undone will be taken in hand in an impartial manner, but in a manner which every religious person will have cause to deplore. I don't say that the Church is not the appointed ordinance of God, to whom this work altogether belongs ; but if in this view of things others disagree with me, am I therefore to make no efforts to prevent what still remains being lost ? Our true wisdom is to take the world as we find it, and make the best of it ; and if with government aid extended, local aid stimulated, religious and pecuniary considerations both combined to stir us up, we and other religious bodies do not do this work, what right have we to complain if it pass out of our hands, and a secular system supply its place ? if we contemplate the alternative with dismay with whom will it then rest but with ourselves, to render the adoption of that alternative unnecessary ?

I have but imperfectly stated, and feebly advocated what I have proposed ; reserving statistical and other details to consider afterwards, in order to present a general outline of the plan unencumbered with such matters ; since it is the policy of some men not uninfluential, to clamour and dispute about details until the real question is lost sight of. I am well aware that in carrying out so large a scheme, there will be many difficulties to be adjusted ; safeguards, modifications, arrangements required, which only careful consideration will discern or provide ; but if the principle itself be sound I feel the greatest confidence that it can be brought into action. Under any compulsory scheme there must be persons whose office it is to see that it is made effectual. Not only the inspection of schools (a matter which would remain just as it is at present), is in some form or other of constant, I might almost say of uniform occurrence, where such Schools are properly conducted, but under the minutes of the Committee of the Privy Council on Education, a certificate of proficiency may be given now to children of twelve years of age and upwards in Schools under Government inspection ; and there can be no more insuperable difficulty in ascertaining what English children know, especially within prescribed limits, than exists in Norway, where until he has been examined

and confirmed it is not customary to take the peasant child to work.

I believe the time is fast approaching when this matter will be settled: that men will cease disputing whether education be a good or not; but take it for granted, that he who has a capacity and acquirements to know his duty, is 'ceteris paribus' more likely to do it than he who has not. I believe too that men will determine, and act upon the understanding, that no measuring, or mapping, or classifying,—no calculations and comparisons whether we educate one in seven of our population, and America, and Austria, and France one in so many, more or less,—will satisfy us; but that in a country professing to be governed by more equal laws than any other, no condition of things will be accepted as satisfactory, unless every one has the opportunity, without let or hindrance, of acquiring that knowledge which is necessary for his position in the commonwealth.

The subject of the education of the poor is but one of many affecting their social condition which press for solution. The relation in which they stand to their employers; their circumstances as affected by artificial causes over which they have no control; the hopeless manner in which they are being gathered into the great net of pauperism; the crowded houses in which they live, and where so large a part of their education is carried on,—these will become the great questions of the day. 'Bene meruit de Republicâ,' who shall approach their consideration without selfishness, prejudice, and party feeling to warp his views; who doing justice to the motives of other men, shall look most narrowly to his own motives in what he says and does.

The social condition of the agricultural labourer (let those who are practically acquainted with the manufacturing poor, and the poor in our great towns, say if it be otherwise with them; I speak only of what I know. The condition I say of the agricultural labourer) is most unsatisfactory. You have made of him hitherto a serf; (*servus ascriptitius*) a part and parcel of the soil. But he is ceasing to be the mere machine for the occupier of the ground to use, to wear out, and then to cast aside. As he knows more of his own capa-

cities and position, and sees and hears more of other men at home and abroad, a spirit of dangerous, because well-founded discontent, is being slowly but certainly awakened within him. Let us look to this. In the condition of our commonwealth, are we not reminded, if I may be allowed the comparison, of that great image "whose brightness was excellent and the form thereof terrible," which the King of Babylon saw in his dream? Our Queen and our Nobles, and our assembled Parliament; our Bishops and our Judges; our Fleets and our Armies; our Merchant Princes, and our wealthy Traders, and our flourishing Agriculturists;—what are these but "the head of fine gold, and the breast and the arms of silver, and the belly and thighs of brass, and the legs of iron?" but the "feet," the lowest members of the body politic, and the body spiritual, are like the feet of that great image, "in part indeed of iron, but in part of miry clay." And see what follows. "A stone made without hands,"—no outward enemy expected and provided against, but a growing discontent unseen and unnoticed gathering strength within,—"a stone made without hands smote the image on its feet that were of iron and clay, and brake them in pieces. Then was the iron and the clay, the brass, the silver, and the gold broken in pieces together, and became like the chaff of the summer threshing floor, and the wind carried them away, and no place was found for them." There needs no spirit of prophesy to apply this. When shall we remember, that whether one member suffer all the members suffer with it, or one member be honoured all the members rejoice with it; and that if on the one hand, it is by the nobler members that those which are less honourable are nourished and directed, that on the other hand it is by the lower members that the whole body is upheld; that it is the feet which support the body, rather than the body the feet?

I must once more in conclusion remind my readers that what I have said applies to the rural districts only. The kindness of a friend has given me the great advantage of adding to this pamphlet the form of a Bill for carrying the foregoing suggestions into effect. By his advice the bill is made of general operation; leaving it to the wisdom of Parliament, if they

entertain the subject at all, to determine what particular cases shall be excepted from it altogether, and giving a large discretion to the Committee on Education to modify the provisions of it in those cases to which it is applicable. The reports of Her Majesty's Inspectors have fully set forth the impediments to education which exist in the larger towns, and in manufacturing districts. In the want of sufficient and proper Schools; in the indifference of those for whose children education is provided; in the religious differences which prevail; and in the desire at the earliest opportunity to send children to work,—we have the evident causes of the evil which all deplore: and the annexed Bill has been framed accordingly to meet all such cases; that is to say, with the least possible disturbance of the system already in operation, to provide that those who would but cannot, and those who might but will not have their children taught, shall be included in the provisions of it. To do so we must needs compel them to educate, for we cannot reach them without it. We compel also a provision for pauper children, because a permissory Act has been found inoperative. But the School-rate clauses of the Bill are of remote and exceptional application; only intended as a last resort. And this for two reasons. 1st. Because a School-rate may become a necessary evil, but cannot be looked upon as a positive good. Since to compel men to do that which they should do freely, alters not only the nature of the transaction but the whole disposition of the parties concerned in it, towards each other: in the one case they are united in those bonds of sympathy which bind man with man and class with class, in the other they are brought into direct antagonism. The necessary evil of a poor-rate embitters the whole relationship between those who pay to it and those who receive, or are likely to receive from it. We make also our compulsory clauses a last and exceptional resort; because in a free and constitutional government this is the proper place for them. In countless instances there is no necessity for a School-rate. In no instance has such necessity been yet shown to exist, since voluntary exertions have never yet had that fair field open to them, which would prove what they are capable of effecting. It is to

voluntary exertions that we owe all that is self-reliant and noble and progressive in our national character. We do not, as the pamphlet shews, shrink from needful measures of restraint, but the clumsiest contrivance of legislation would be that which should interpose restriction and compulsion, other than real necessity shall justify.

APPENDIX.



NOTE 1.—PAGE 6.

A comparison of the educational returns of the last census, (inaccurate as in many respects they are,) with the Inspectors' reports in the Minutes of the Privy Council, will enable us to estimate the extent of the evil here pointed out.

The census returns shew, of 4,700,000 children between the ages of three and fifteen, that 2,000,000 were then at School, say $42\frac{1}{2}$ per cent. of the whole. But at the ages of seven to nine 64 per cent. were actually at School; at the age of thirteen, this had fallen to 28 per cent. of whom the larger number would be due to the more wealthy classes. Meanwhile the numbers of those at work, which at seven years of age was 1 per cent. of the whole, at thirteen was 48 per cent. of the whole; in other words while at the highest average there were in round numbers 500,000 of a particular age at School, at thirteen years of age 280,000 had been withdrawn and gone to work. And if of those within reach of instruction, and from seven to nine years old actually availing themselves of it, the average of 64 per cent. had been attained throughout the whole period, about 3,000,000 instead of 2,000,000 children would have been found under school instruction. It may, I think, be assumed that existing Schools would accommodate in point of numbers one-third more children than resort to them; so that of those whom you actually reached and touched by your educational system, one child in three obtained but little benefit, because you did not reach them soon enough, or could not keep them long enough. These returns relate to the whole population.

The annual reports of Her Majesty's School Inspectors point the same way. In the last published report (for 1855-56) we have the tables of attendance at the various ages in the different Government Schools, from which it appears that at the highest average (between eight and nine years of age) the mean per centage was 14.15 per cent.

From this age there is a progressive decline—between nine and ten, to 13.65 ; between ten and eleven, to 12.63 ; between eleven and twelve to 8.99 ; between twelve and thirteen to 6.44 per cent. And there can be no question, to those who know what school work and attendance are, that when we find school accommodation in these Schools provided for 811,794 children, and the number in average attendance, only 537,583, that by far the larger proportion of ‘absences’ was due to children of the more advanced ages, whose names, however, had not been actually withdrawn from the registers. We may judge by this how much would be done if we could only retain children to the age of twelve or thirteen ; not that it is desirable for them to leave School at those ages, only we must avoid unnecessary interference with the industrial pursuits of the nation, and ask, not all that we wish, but all that, under the circumstances, it is reasonable to expect to get.

NOTE 2.—PAGE 13.

Since these remarks were ready for the press, it has been stated that Sir John Pakington has come to terms with the promoters of the Manchester Scheme, and that the result is a compromise, with the six following bases laid down as its principles:—

- 1st. That a rate for Education is desirable.
- 2nd. That all Schools deriving aid from the rate shall be subject to inspection, but such inspection as is paid for out of the rate shall not extend to the religious instruction.
- 3rd. That all Schools shall be entitled to aid out of the rate, provided the instruction, other than religious, shall come up to a required standard, and that no child shall be excluded on religious grounds.
- 4th. That distinctive religious formularies when taught shall be taught at some hour to be specified by the Managers of the School in each case, in order to facilitate the withdrawal of those children whose parents or guardians may object to their instruction in such distinctive religious formularies.
- 5th. That there be no interference with the management or instruction of Schools other than is needed to carry out the principles of the foregoing resolutions.
- 6th. That the Education rate be administered by local autho-

rities to be especially elected by and out of the rate-payers for the purpose.

The correctness of the above I have no means of ascertaining ; but the scheme itself is a coherent and consistent whole, and as such requires notice.

In the offer which it holds out to us of retaining our existing Schools, and in the abandonment, on the face of it, of secularism in its worst form, men may see terms of arrangement so much less objectionable than they expected, that they may be disposed to accept them, and so set the question, as they think, at rest. But a little consideration will shew, that these proposals, while we get nothing by them, not only introduce very dangerous principles, but frame the way for the downfall of the present system, and by consequence the introduction of pure secularism in its stead.

First, we get nothing, and the cause of education gets nothing, by adopting these bases. For all schools are already entitled to aid, provided the instruction shall come up to a required standard, and that, without the restrictions insisted on in basis 3. How are we advantaged (supposing for argument's sake that we are not injured), because the aid to our schools comes not from the consolidated fund, but from a rate? Have you so much as touched our true difficulties, schools without scholars, and children without schools, by sending us to the rate-payers instead of the Committee on Education to assist us? And whilst the promoters of education get nothing by this scheme, the concessions which they are required to make are very dangerous. We are to admit and act upon the principle, that whatever is wanting for the purposes of education should come not from the general revenue, but from the real property of the country; that the land should bear the whole burden. We are even in those districts where sufficient educational means are already provided, and in the majority of cases provided in a manner purely voluntary, to establish and maintain at our own expense, machinery which we do not require, and which may any day, and must at no distant day, be used to destroy the existing state of things. We are, (whether our position be a practical grievance or not,) compelled to forego the aid on the faith of which we built our schools and the conditions of which are embodied in our trust-deeds, unless we will (not as I propose consent to consider, and of our own free will adopt such modifications as may meet the requirements of each particular case, but unless we will) submit to have children forced upon us for whom our schools were never intended. If this be not a breach of faith, and one calculated

to destroy all voluntary exertion hereafter, I do not know what is. And then in the next place, the very machinery which this new system proposes to call into operation, must inevitably impede and eventually destroy, that which in appearance it was intended to support. A voluntary system and a local rate cannot in rural districts exist together. Say that the proposed board of rate-payers have no real power; that they are the mere administrators of the rate which they levy; that through them is to be paid the different sums which are now received through the Committee on Education: with what prospect of success could a person who wished to build or maintain a school, apply to the land owners and rate-payers in his parish, to give him that support which would be necessary in order to entitle him to the grant out of the rate? It is difficult enough now to obtain such support; then it would be impossible. You would have to go to men smarting under a sense of injustice at this new burden placed upon the land, and say "help me to raise £300 to build a school, and then I shall be entitled to call on you or your tenants as rate-payers for another £300! or, subscribe annually to enable me to support the school, and assist me in bringing the children to it, and keeping them in it, and then for each of these children I shall have a claim upon you for capitation fees, and other aids out of the rate!" Would not the rate-payers then have a direct pecuniary interest in preventing schools being established, and scholars resorting to them, in order to keep the rate as low as possible? And if the proposed board is to have any real power, can any one doubt how that power would be exercised? How in the first instance the active promoters of education would be excluded, and it would become a second board of guardians, minus the magisterial element in its construction: how in the actual working of it everything would be done to obstruct and to mortify those whose proceedings promised to become burdensome to the rates. We can but judge of men by their antecedents. Has a board of rate-payers so dealt with the poor in matters of relief as that we should expect them to deal liberally in this matter of education? Do they as a body support existing schools, that you should trust them with the education of the country? Do they use the power which they have already got with respect to pauper children out of the workhouse, that you should give them more power? Is their own standard so high that you should leave them to fix a standard for those beneath them, or to see that it is observed? you give them no power, you have but mocked them with an unreal concession, of no sort of value, in return for their money. If you

give them power, that power will be lodged in the hands of men who have never given any pledge to the nation that they will use it wisely and liberally, and who will have a direct inducement not so to use it.

Ask any clergyman you please, whether he would have undertaken the building of a school, or would be responsible for the conducting it, if in the first place you had ignored and cast contempt on religious instruction; and in the next place furnished the land-owners and rate-payers with a plea for refusing him their aid; and in the third place sent him with his plans to be approved, or altered, or rejected by a board of guardians, to whose inspection he must submit, to whose standard he must conform, and to whom he must continually repair, cap in hand, like a pauper asking for relief, for the grant to his master, or his pupil teachers, or for his capitation fees? If the scheme had been purposely intended to disgust the promoters of voluntary education, and lead them to quit the field or not to occupy it, a better scheme could not have been devised for that end. I do not for a moment mean to say that such was the intention of the authors of it, be they who they may; but that this would be the effect of it there can be little doubt. It would unsettle everything, without settling anything, and when our present vantage ground was lost, and our existing machinery destroyed, a national, secular, and compulsory system would have become a matter of necessity, and the means of enforcing it would be ready to hand. But if it be intended that the education rate should supplement and not supersede the present grants, the downfall of the voluntary system is yet more accelerated, and secularism, trading upon other men's capital, may without risk or loss, 'compete with us when it will.'

NOTE 3.—PAGE 15.

I am glad to find by the report of the Rev. W. J. Kennedy (one of Her Majesty's Inspectors of Schools) for 1855-56 that he is, with respect to this part of my scheme, of the same opinion with myself.

He says (page 370): "The only form or shape I think in which compulsion could be applied at once to all the children of our labouring classes, would be by an enactment forbidding children under a certain age to be employed in any regular remunerative work, unless they had attained a certain definite amount of attainments, such amount of education being certified by a proper officer.

In this case it would be necessary that officers should be appointed in towns, to whom parents could bring their children at set times for examination, and from whom they could receive the requisite certificates. The penalty might be a fine upon any parties employing an uncertificated child, and upon the parent. There is, perhaps, no sufficient reason, except our want of Schools in sufficient number and of sufficient cheapness to forbid the immediate passing of such law, provided care were taken not to fix the age for labour too high, in the first instance."

NOTE 4.

A proposal ably advocated in a pamphlet, by Lord Lyttelton, must not pass unnoticed. It is just this:—"Make attendance at School compulsory, and there leave the matter. The duty of parents is to educate their children themselves; and the ordinary laws of supply and demand will insure the means." But, to this, it may be answered, that while the labouring man (except he be a pauper) should in all cases be required to pay a proportion of the expenses of his children's education, and such a proportion as requires a real self-sacrifice in their behalf; experience has shewn that it is utterly out of his power, especially if he be the father of a numerous family, to do *all*. Yet if he could be compelled to do all, he would in many cases inevitably be left to do it. The twopence or threepence a head, which is commonly charged in national schools, does not pay half the expense of such schools; yet it excludes thousands of children, because (another class of cases) their parents cannot pay it. And as in most villages of moderate size only one School can be maintained, and to this, the children of the village would have to resort, or be rendered incapable of fulfilling the requirement of the law, it would be in the absolute power of the School managers to conduct it on terms which might prove grievously oppressive to some, and positively exclude and ruin others. If a man cannot get bread at one shop on reasonable terms, there will soon spring up competitors for the trade; and in the meanwhile he supplies his wants from the nearest town, or one of the adjoining villages: but half-a-dozen children excluded by some arbitrary regulation from a village school, would constitute a grievous case of oppression, and yet there would be no opening for another School, deserving the name of a School, and no power on the part of the parents to send their

children to a distance to be educated. It does seem, that whatever requirements we make, the means of complying with such requirements should be brought within the reach of all. When the child must be educated, or labour become scarce and dear ; when the rate-payer must help a little or incur the whole charge ; then and not till then the poor and the School will be brought within reach of each other ; the School will be adapted to the requirements of the poor, and the condition of the poor so far ameliorated as to enable them to send their children to School.

A BILL

TO MAKE MORE EFFECTUAL PROVISION FOR THE
EDUCATION OF POOR CHILDREN.



WHEREAS it is expedient to make more effectual provision for the education of poor children.

May it therefore please your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and of the Commons in this present Parliament, and by the authority of the same as follows :

I. In construing this act the following rules shall be observed and the following words or expressions shall have the meanings hereby assigned them, unless there be something in the subject or context repugnant to such construction ; that is to say :

Rules for construing Act.

Employment for hire shall mean employment in any occupation, trade, or calling for wages or hire, whether the wages or hire be regulated by time, or by the job or piece or work done, and whether the wages or hire be settled or agreed upon previous to the hiring, or be in the form of a gratuity or recompense or consideration for work done or service performed or otherwise : and any thing or service which constitutes in fact the consideration or part of the consideration for employment shall be considered as wages or hire within the meaning of this Act.

Employment for hire.

- Child.** The expression child shall not be applicable to any person above the age of twelve years who has obtained a certificate under the provisions of this Act.
- Committee on Education.** The expression Committee on Education shall mean the Committee of Her Majesty's Most Honorable Privy Council on Education.
- Vice-President.** The expression Vice-President shall mean the Vice-President for the time being of such Committee.
- Poor Rate.** The expression Poor Rate shall be construed to include any rate, rate in aid, mulct, cess, assessment, collection, levy, ley, subscription or contribution raised, assessed, imposed, levied, collected or disbursed for the relief of the poor.
- Parish.** The word Parish shall mean and be applicable to any area, whether Parish, City, Borough, Town, Township or by whatever other term described, and whether parochial or extra-parochial which has a separate Poor Rate for the maintenance of its poor.
- Extra-Parochial place.** The word Extra-Parochial Place shall mean any place for which there is no Poor Rate and shall not apply to any Extra-Parochial Place for which there is a Poor Rate.
- Union.** The word Union shall be construed to include any number of Parishes united for any purpose whatever under the provisions of the Act passed in the Session of Parliament held in the 4th and 5th years of the reign of King William the Fourth intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," or Incorporated under the Act passed in the 22nd year of the reign of King George the Third intituled "An Act for the better Relief and Employment of the Poor," or Incorporated for the Relief or Maintenance of the Poor under any Local Act.

The word **Guardian** shall mean, and include any Visitor, Governor, Director, Manager, Acting Guardian, Vestryman, or other Officer in a Parish or Union appointed or entitled to act as a Manager of the Poor and in the distribution or ordering of the Relief to the Poor from the Poor Rate under any general or local Act of Parliament. Guardian.

The word **Overseer** shall mean and include Overseers of the Poor, Churchwardens so far as they are authorized or required by Law to act in the arrangement of Relief of the Poor, or in the collection or distribution of the Poor Rate, Assistant Overseer, or any other Subordinate Officer whether paid or unpaid, in any Parish or Union, who shall be employed therein in carrying the Laws for the Relief of the Poor into execution. Overseer.

The word **Workhouse** shall be construed to include any House in which the Poor of any Parish or Union shall be lodged and maintained, or any House or Building, purchased, erected, hired, or used at the expense of the Poor Rates, by any Parish, Vestry, Guardian, or Overseer, for the reception, employment, classification, or relief of any poor person therein, at the expense of such Parish. Workhouse.

II. The Committee on Education, shall cause rules to be prepared for carrying this Act into execution, and such rules when approved of by Her Majesty in Council shall be published in some newspaper published or circulating in the County in which they are intended to apply; and such rules may be varied according to the circumstances of the County or Place in which they are intended to be enforced; and the Committee on Education with the like approval of Her Majesty in Council, may from time to time repeal or alter any rules previously established, and enact others in their stead, and all such new rules Committee on Education to prepare rules for carrying Act into execution.

shall be published in like manner as the old rules, and after the publication as aforesaid of any rules, they shall, so long as they continue, have the same force and effect as if they had been expressly enacted in this Act.

Cases
excepted out
of the Act.

III. No child shall be employed for hire before it shall have completed the age of twelve years, nor after the completion of that age until it shall have undergone an examination and obtained a certificate either of proficiency or incapacity, under the provisions of this Act, save only in the cases herein excepted.

IV. Provided always, That this Act shall not apply in any of the following cases, namely :

No child to be
employed
under 12, or
till he has ob-
tained a
certificate.

1st. In case of any child who has completed its age of eleven years at the time of the passing of this Act.

2nd. In the case of any child *bonâ fide* employed for hire before the first day of March, 1857, so long as such child shall continue in the employment of the person by whom he is employed at the time of the passing of this Act ; or of any person, or number of persons who shall succeed such person in business, directly or consecutively, and no longer.

3rd. In the case of any child employed in any mill, factory, calico print works, or other place or occupation where or respecting which the age for labour is specially limited by Act of Parliament.

4th. In the case of any child, *bonâ fide* employed by its parents or one of its parents, with and in assisting such parents or parent in the trade, occupation, or calling of such parents or parent, but subject nevertheless to any provisions for limiting, restricting, or regulating such employment which may from time to time be prescribed by the rules of the Committee on Education.

5th. In the case of any child *bonâ fide* employed for hire during such period of the year only, or during such hours of the day only, and in such occupation,

trade, or calling only, as may for the time being be sanctioned or authorized by the rules of the Committee on Education and otherwise in strict accordance with such rules.

V. Any person being a parent or guardian, or otherwise having the care of any child, who shall employ or cause to be employed such child contrary to the provisions of this Act, and any Guardian, Overseer, or other Officer, who shall cause, or assist in causing, or who (having power to prevent) shall permit or suffer to be employed contrary to the provisions of this Act, any child receiving Parish relief, or who would but for such employment be receiving Parish relief, and any person who being the agent of, or acting as agent for any other person, shall employ any such child contrary to the provisions of this Act, and any person who shall on his own account employ or cause to be employed, or knowingly permit to be employed for him any child contrary to the provisions of this Act, shall for every such offence forfeit, and pay a penalty not exceeding £20, or at discretion of the Justices before whom enquiry into the matter shall be made, may be committed to prison, with or without hard labour, for any term not exceeding six months, provided always that no person employing or causing to be employed any child who shall have completed its age of fourteen years, and shall not have obtained a certificate under this Act, shall thereby incur any penalty; if such person was *bonâ fide* ignorant at the time of hiring such child, that such child had not obtained a certificate under this Act, nor shall any person so employing or causing to be employed any such child be bound to enquire whether such child had obtained such certificate or not.

Penalty for
employing
children con-
trary to Act.

VI. The Vice-President shall from time to time appoint such number of persons, as he thinks fit, to be Examiners of Education, and shall assign to the

Appointment
of Examiners
of Education.

persons so appointed respectively such districts for the performance of their duties, as he thinks fit, and shall fix the amount of salary or remuneration to be paid to such persons respectively, and such salary or remuneration shall be paid out of the same fund as the salary or remuneration of Inspectors of Schools, and every person so appointed shall be removeable as the Vice-President shall think fit.

Inspectors of
Schools may be
Examiners.

VII. Unless it be forbidden by the rules of the Committee on Education in force for the time being, the same person may hold at one and the same time, the offices of Inspector of Schools, and Examiner of Education for the same District, or for different Districts.

Formation of
Sub-Districts.

VIII. Any District for the purposes of this Act, may be divided into as many Sub-Districts, as the Vice-President shall from time to time direct, and in the formation of Sub-Districts, regard shall be had as far as may be conveniently practicable to the boundaries of Parishes. But nevertheless the Vice-President may if he thinks fit, cause every Parish and District to be divided into as many Sub-Districts as the population of such Parish, and other circumstances shall in his opinion render expedient, or he may unite two or more contiguous Parishes or parts of Parishes, into one Sub-District, and he may constitute any extra parochial place a Sub-District, or several Sub-Districts, or add any extra parochial place or any part thereof to an adjoining Parish as circumstances may require.

If District not
divided into
Sub-Districts
provisions of
Act as to Sub-
Districts to
apply therein.

IX. If any District is not divided into Sub-Districts, all the provisions of this Act with respect to Sub-Districts shall be applicable therein, as if such District were a Sub-District, and the word Sub-District in this Act, shall with reference to every such District, be construed to mean District.

X. The Examiners of Education, shall observe and be guided by the rules of the Committee on Education, and this Act, and shall in other respects be subordinate to and abide by the instructions and directions of the Vice-President, and shall from time to time make such reports to him touching any matters connected with education, as he shall require, or as they shall think fit.

Examiners of Education to abide by rules of Committee and act under Vice-President and report to him.

XI. Every Examiner of Education shall once in every year and oftener if he shall think fit, or be required by the Vice-President, visit every Sub-District within his District, for the purpose of examining children and granting certificates, and shall cause one week's notice at least of the time and place for holding such visitation to be circulated in such Sub-District.

Examiners of Education to hold visitations of every Sub-District once a-year or oftener.

XII. At such visitation the Examiner of Education shall examine every child of the age of twelve years or upwards, who shall reside within the Sub-District and be brought to him for the purpose, as to the proficiency of such child in reading, writing, and the four first rules of Arithmetic, that is to say, Addition, Subtraction, Multiplication, and Division, both simple and compound, and shall grant a certificate of proficiency to every such child whom he shall find proficient, in those branches of study.

At such visitations Examiners of Education to examine children and grant certificates of proficiency in certain studies.

XIII. If the Examiner of Education shall be of opinion that any child is incapable of attaining proficiency in all or any of the said branches of study, he shall grant to such child a certificate of incapacity.

Examiners of Education may grant certificates of incapacity.

XIV. Immediately after the examination is completed, the Examiner of Education shall enter in a book to be kept for that purpose to be called "The Register of Certificated Children for the Sub-District of _____," the date of the visitation, and the names of the children to whom certificates, whether of proficiency, are or

Entry of children entitled to certificates to be made in register of certificated children.

are intended to be granted, together with such additional matter for the purpose of distinguishing or identifying particular children, as he shall think fit, and shall also make a duplicate of such entries as relate to any particular Parish or extra parochial place within the Sub-District, together with the date of the examination in another book to be kept for the purpose to be called the "Register of Certificated Children for the Parish or extra parochial place of _____, in the Sub-District of _____."

Examiners may examine children out of the Sub-District under certain circumstances.

XV. The Examiner of Education for any District may if he thinks fit, at any time and in any place, examine and grant a certificate under this Act, to any child of proper age for examination, and residing in any Sub-District within his District, who, or whose parents or guardians is or are desirous that such child should be so examined, and shall within one week after such examination enter the grant of such certificate in the Registers of certificated children for the Sub-District and Parish or extra-parochial place.

As to contents or form of certificate.

XVI. Every certificate under this Act, shall contain the names of the Sub-District, and of the Parish or extra-parochial place in which the child to which it relates resides; together with the Christian and Surnames of such child, and such other description as may be necessary or proper for identifying such child, and every such certificate shall be signed by the Examiner granting the same, and shall have annexed to his signature, the name of the District for which he is Examiner, and every such certificate may be in the form as far as may be, hereinafter set forth, that is to say:

FORM OF CERTIFICATE OF PROFICIENCY.

SUB-DISTRICT OF _____.

"I certify that Thomas Smith, son of John Smith of _____ Parish a labourer in the service of John Thomas, Esq., was examined and found proficient by

me, pursuant to the Act 20 and 21 Vict. cap. —, the 13th day of August, 1858.

“ROBERT WILLIAMS,
“ Examiner of Education for the
“ District of ——.”

FORM OF CERTIFICATE OF INCAPACITY.

SUB-DISTRICT OF ——.

“I hereby certify that Charles Johnson, son of Abraham Johnson of the Parish of —— labourer, is in my opinion incapable of attaining proficiency in the studies required by the Act 20 and 21 Vict. cap. —.

“Dated the 13th day of August, 1858.

“ROBERT WILLIAMS,
“ Examiner of Education for the
“ District of ——.”

XVII. If at any visitation the Examiner of Education doubts whether any child brought to him for the purpose of being examined has attained the age of 12 years, he shall refuse to examine such child unless and until he shall be satisfied that such child has in fact attained that age.

Examiner to be satisfied that children are of a proper age for examination.

XVIII. Every certificate granted under the provisions of this Act and every register of certificated children the genuineness of which or of any entry therein is not disputed shall be conclusive evidence in all Courts of Law and elsewhere that the provisions of this Act have been complied with, with respect to the child or children mentioned and intended in such certificate and register respectively.

Certificates and register to be evidence.

XIX. The Register of certificated children for any Sub-District shall be kept by the Examiner of Education, and shall be produced at every visitation of the Sub-District under the provisions of this Act, without fee or reward, and shall be produced at reasonable times

Custody and production of register.

to every person desirous of examining the same, and for every such examination the person having the custody thereof shall be entitled to demand sixpence.

As to custody and examination of register certificated of children for Parishes and extra-parochial places.

XX. The Register of certificated children for any Parish or extra-parochial place, within a Sub-District, shall be considered as a Parish document, and shall be kept by one of the Overseers of the Parish or extra-parochial place, and shall be produced by one of the Overseers or some trustworthy person deputed by the Overseer having the custody thereof at every visitation of the Sub-District, without fee or reward; and shall be produced without fee or reward to the Examiner of Education for the Sub-District whenever he shall require at the residence of the Overseer having the custody thereof, and shall be produced at reasonable times to every other person desirous of examining the same at such residence, and for every such examination, and also for a transcript or copy of every entry therein which the Overseer may make and furnish to any person at his request, he shall be entitled to a fee of sixpence.

Penalty of forging certificates or entry in register or personating the person described in certificate, &c.

XXI. If any person shall forge or falsify or cause or procure to be forged or falsified a certificate of proficiency or incapacity required by this Act, or any entry in the Register of certificated children, or if any person shall make use of, or cause, or permit, and suffer to be made use of any forged or falsified certificate, or any forged or falsified entry in the Register of certificated children, for any purpose for which a certificate under this Act, or an entry in such Register is required, knowing such certificate or entry to be forged or falsified; or if any person shall personate the person mentioned and intended in any certificate granted under the provisions of this Act, not being the person so mentioned, and intended; or shall personate the person mentioned and intended in any entry in the Register

of certificated children, not being the person mentioned and intended by such entry; for the purpose in either case, of obtaining the benefit of this Act: or if any person shall make any use of any certificate granted under the provisions of this Act, or of any entry in the Register of certificated children, with the view and for the purpose of himself obtaining the benefit of this Act, he not being the person mentioned and intended in such certificate or entry; or if any person shall make any use of, or assist in making any use of, any such certificate or entry, with the view and for the purpose of enabling any person other than the person mentioned and intended in such certificate and entry to obtain the benefit of this Act, every person so offending shall for every such offence be guilty of a misdemeanour, and on conviction shall be liable to be imprisoned with or without hard labour for any term not exceeding six months.

XXII. If any Examiner of Education shall find that his Visitations of any Sub-district are generally not well attended by candidates for certificates under this Act, regard being had to the population of such Sub-District, or that the candidates who offer themselves are not generally proficient in the requisite branches of study, he shall report the same to the Vice-President, with such special facts and circumstances as he shall consider necessary for making fully known the actual state of education in such Sub-district, and the causes which have led to the want of proficiency amongst the children therein.

If visitations neglected or general want of proficiency examiners to make special report to Vice-President.

XXIII. Upon the receipt of any such report the Vice-President shall transmit a copy thereof to such persons within the Sub-district as he thinks fit.

Copy of report to be transmitted to Sub-district.

XXIV. If within three weeks after the receipt of the copy of such Report the persons to whom the same has been sent make no answer thereto, or by their an-

In case of no answer or answer admitting that sufficient provision

for education is not made in the Sub-district Vice-President to require Sub-districts to make such provision within a specified time.

answer admit expressly or by implication that sufficient provision is not made within the Sub-district for the education of poor children for the purposes of this Act, the Vice-President shall require the inhabitants of such Sub-district, within a specified time, to make such proper provision, and shall direct their attention to the provisions of this Act, authorizing Her Majesty to establish Schools to be supported by local rates.

If the Sub-district dispute correctness of report or insist that proper provision for education is made in Sub-district, Vice-President to institute enquiry.

XXV. If upon the receipt of the copy of such report of the Examiner of Education, the persons to whom the same has been sent, by memorial addressed to the Vice-President dispute the correctness of the Report of the Examiner, or, admitting the correctness of such Report, insist that ample and proper provision is made in the Sub-district for the education of poor children, so that the fault rests with such children, or the parents, or others having the care and management of such children, the Vice-president shall cause such enquiries as he shall think fit to be made into the correctness of such statement, and especially as to the number and class of Schools within such Sub-district, and the rules thereof respectively, and the subjects taught therein, and the amount of attendance thereat, and the causes of non-attendance.

If after enquiry Vice-President finds proper provision not made he is to require Sub-district to make proper provision and call attention to provisions of this Act establishing Schools to be supported by rates.

XXVI. If after making such enquiry the Vice-President shall be of opinion that proper provision is not made in such Sub-district for the education of poor children for the purposes of this Act, he shall notify such opinion to such persons residing within the Sub-district as he thinks fit, and shall require the inhabitants of such district within a specified time to make such proper provision and shall direct their attention to the provisions of this Act with reference to the establishment by Her Majesty of Schools to be supported by local rates.

If proper pro- XXVII. If, within the time required by the Vice-

President proper provision for the education of poor children for the purposes of this Act shall not be made in the Sub-district to the satisfaction of the Vice-President, he shall report the case with the facts and circumstances to the Committee on Education, and thereupon or at any time thereafter, it shall be lawful for Her Majesty by order in Council to cause one or more school or schools for the purposes of this Act, to be established within such Sub-district, and to make such provision for the framing of proper rules to be observed at such school or schools, and for the appointment and removal of Masters and Mistresses thereof, and for their remuneration, and for all other matters connected with such Schools as she shall think fit, and to appoint two or more persons Commissioners for carrying the provisions of the said order into effect; and the Commissioners so appointed shall be called the "Commissioners of Schools for the Sub-district of ——" and shall have and may exercise all the powers and authorities for the purposes of their appointment, conferred upon them by such order subject to the provisions of this Act.

vision not made within time specified Vice-President to report to Committee on Education and Queen in Council may establish Schools in the Sub-district.

XXVIII. No religious instruction shall be given in any School to be established out of local rates, under the provisions of this Act, nor shall any money granted by Parliament for educational purposes be applied or appropriated in or towards the establishment or maintenance of any such School.

Religious instruction not to be given in Schools established under this Act, nor Government Grants for educational purposes allowed.

XXIX. Her Majesty by order in Council may if she thinks fit, empower the Commissioners of Schools for any Sub-district to purchase suitable sites for any school-houses to be established under this Act, and to erect suitable buildings thereon, and to pull down, re-build, or otherwise adapt for the purposes of any such school-house, any buildings that may be appropriated to the purposes of such school-houses, but subject in all respects to such regulations and restrictions as may

Power to purchase sites for Schools.

Expenses of purchasing site or building Schools may be defrayed by money to be borrowed by Commissioners.

be prescribed by such order in Council, and may direct that the expense of purchasing such sites, and pulling down, erecting, re-building, or adapting buildings as aforesaid shall be defrayed by means of money to be borrowed by the said Commissioners, and may limit the amount to be so borrowed; and all such sites and buildings shall be conveyed to the said Commissioners and be held by them upon trust for the purposes of the School or Schools to be established under the provisions of this Act.

Site and buildings to be conveyed to Commissioners.

Orders in Council or appointments there-under may be varied by subsequent order in Council.

XXX. Her Majesty by order in Council may at any time revoke, alter, or vary any previous order in Council for the establishment of Schools under this Act, or relating to any such Schools, or any appointment made or rules established or things done under or by virtue of any such previous order in Council.

How expenses of establishing and maintaining Schools and proportions to be paid by several parishes to be ascertained.

XXXI. The expenses of establishing and maintaining such Schools, including the payment of salaries to the Masters and Mistresses thereof, shall be from time to time ascertained and fixed by the Commissioners of Schools for the Sub-district, or in such other manner as the Vice-President shall direct; and if the Sub-district consists of more than one parish or part of a parish, the proportion which each parish or part of a parish or extra parochial place or part of an extra parochial place within the Sub-district is to contribute towards such expenses shall from time to time be ascertained and fixed in like manner.

How expenses to be raised.

XXXII. The expenses so ascertained and fixed, and the proportion thereof to be contributed by each Parish or extra-parochial place within the Sub-District, shall be raised as follows, that is to say:

If an entire Parish be within the Sub-District, the expenses or portion of the expenses to be contributed by such Parish shall be raised by means of an increase or an addition to the Poor Rate for such Parish.

If only a portion of a Parish be within the Sub-District, the expenses or proportion of the expenses to be contributed by such portion of a Parish, shall be raised by means of an increase of or addition to the Poor Rate in such Parish or by a separate Poor Rate for such Parish : but so nevertheless that such increase or addition or separate Poor Rate shall be charged and chargeable upon, and borne and contributed by that portion of the Parish only which is situate within the Sub-District.

If an extra-parochial place, or part of an extra-parochial place, be within the Sub-District, the expenses or proportion of the expenses to be contributed by such extra-parochial place, or part of an extra-parochial place, shall be raised by means of a rate in the nature of a Poor Rate to be levied in such extra-parochial place or part of an extra-parochial place.

XXXIII. The Board of Guardians for the Union comprising any Parish which, or part of which, is within a Sub-District when a School is established or to be established under the provisions of this Act, or if such Parish is not in any Union, then the Guardians for such Parish shall from time to time pay or cause to be paid to the Commissioners of Schools for the Sub-District, the amount of expenses so ascertained and fixed as aforesaid, or the proportion thereof to be contributed by such Parish, or part of a Parish, or any portion of such expenses or contribution, as and when they shall be required so to do by writing under the hands of the said Commissioners, or any two of them ; and the receipt of such Commissioners, or any two of them, shall be a sufficient discharge to such Board of Guardians, or Guardians, for the amount expressed in such receipt, to be received.

Board of
Guardians to
pay expenses of
Commissioners
when required.

XXXIV. The rate in the nature of a Poor Rate to be levied under the provisions of this Act, in an extra-parochial place, or part of an extra-parochial place, shall

How rate in
nature of poor-
rate for an ex-
tra-parochial
place to be
levied.

be charged and assessed upon or in respect of all lands, tenements, and hereditaments, within the extra-parochial place, or part of an extra-parochial place, which would have been liable to be charged or assessed to or for the purposes of the Poor Rate, if the same had been a Parish, and the laws for the time being in force with respect to the valuation of property for the purposes of the Poor Rate and for the making, levying, collecting, and enforcing payment thereof, and otherwise in relation thereto, (except as to the application thereof,) shall so far as they can be applied, be applicable as regards such rate, in all respects as if the same were a Poor Rate, and as if the extra-parochial place, or part of extra-parochial place, were a Parish.

Provision for
appointment
of officers to
make and levy
rate.

XXXV. Her Majesty by order in Council, or the Vice-President may appoint or provide for the appointment of proper officers to perform all such duties, with respect to the valuing of lands, tenements, and hereditaments, for the purposes of such rate, with respect to the assessing, making, levying, collecting and enforcing payment of such rate, and otherwise in relation thereto, as are performed in or for Parishes, by Overseers, or Guardians, or any other officers or persons whomsoever.

Rate
as collected to
be paid to
Commissioners.

XXXVI. The officers charged with the collection of the rate, in the nature of a Poor Rate, for any extra-parochial place, shall from time to time pay the amount received by them, after deducting the expenses of collection, to the Commissioners of Schools for the Sub-District, and the receipt of such Commissioners or any two of them shall be a sufficient discharge to such officers for the amount expressed in such receipt to have been received.

Expenses may
be raised by
means of a

XXXVII. Provided always, that instead of providing for the expenses of carrying this Act into execution,

with respect to the establishment of Schools in any Sub-District, by means of the Poor Rates or rates in the nature of Poor Rates as herein before directed, Her Majesty may, if she thinks fit by order in Council, direct that such expenses in any particular Sub-District, shall be defrayed by means of an equal rate in the pound to be called the School Rate, to be levied upon or in respect of all lands, tenements, and hereditaments, within and throughout the Sub-District, liable to be rated to the Poor Rate, or which would be so liable if the same were situate in a Parish, and that, whether such Sub-District consists only of one Parish or extra-parochial place, or part of one Parish or extra-parochial place, or of two or more Parishes or extra-parochial places, or parts of Parishes and extra-parochial places, and Her Majesty by such order in Council may make such provision as she thinks fit, for adopting the valuation or assessment made for the purposes of the Poor Rates, of all or any of the lands, tenements, and hereditaments within the Sub-District, or for causing a fresh valuation and assessment, to be made of all or any of such lands, tenements, and hereditaments, and Her Majesty by such order in Council may appoint or provide for the appointment of proper officers and persons to make any such fresh valuation or assessment as aforesaid, and to make, levy, collect, and enforce payment of such School Rate, and the laws for the time being in force with respect to the valuation or assessment of lands, tenements, and hereditaments for the purposes of the Poor Rate, and with respect to the making, levying, collecting, and enforcing payment of such rate, and otherwise with respect to such rate (except as to the application thereof) shall, subject to such order in Council, be applicable to such School Rate as if the Sub-District were a Parish, and such School Rate were the Poor Rate for such Parish, and as if the officers or persons appointed by or under such order in Council for the purposes aforesaid were duly ap-

school-rate to
 be levied
 throughout the
 sub-district in-
 stead of by the
 poor-rates, if
 Her Majesty
 thinks fit.

School-rates vested in Commissioners. pointed for the like purposes respectively, in accordance with the laws as for the time being in force as aforesaid, and such School Rate shall be vested in the Commissioners of Schools for the Sub-District.

Application of monies received by Commissioners. XXXVIII. All monies received by the Commissioners of Schools for any Sub-district under the provisions of this Act shall be applied by them or under their supervision and control to the purposes authorised by this Act for which such monies are required.

Money authorized to be borrowed by Commissioners to be borrowed by mortgage of poor-rates or School-rate. XXXIX. When the Commissioners of Schools for any Sub-district are authorized by Her Majesty by order in Council, to borrow money for the purposes of their appointment, they shall borrow such sums as they require for such purposes, not exceeding the amount (if any) limited by order in Council, by mortgage of the poor-rate for every parish which or any part of which is situated within the Sub-district, and of every rate in the nature of a poor rate to be levied under the authority of this Act in any extra parochial place or places or part or parts thereof within the Sub-district, or as the case may be by mortgage of the School-rate for the Sub-district to be levied under the authority of this Act.

Mortgage to be executed by Commissioners or any two of them. XL. Every such mortgage shall be under the hand and seal of the Commissioners, but it shall for all purposes be a sufficient execution thereof, by the Commissioners, if under the hands and seals of any two or more of them.

Board of Guardians and others to concur in executing mortgage of poor-rates, &c. XLI. Every Board of Guardians, Guardian, or other officer whose concurrence is necessary or proper for effecting a mortgage of any poor rate, or other rate liable to be mortgaged for the purposes aforesaid, under the authority of this Act, is hereby authorised and required, when thereunto requested by writing under the hands of any two or more of the Commis-

sioners of Schools for the Sub-district, to join the said Commissioners in executing a mortgage accordingly, and in doing all such other acts as may be necessary for constituting such mortgage a good and valid security upon the rate or rates thereby intended to be pledged for the principal money advanced upon the security of such mortgage, and interest thereof, and for giving full effect to such security.

XLII. Every mortgage granted under the authority of this Act, in any sub-district consisting of more than one parish or extra parochial place, or part of a parish, or extra parochial place, shall as between all the Parishes and extra parochial places, or parts of extra parochial places within the Sub-district, be considered as a charge upon the poor rate for any one of such parishes, or upon the rate in the nature of a poor rate for any one, or part of one of such extra parochial places, for such proportion only of the total amount of money secured by such mortgage, as is equivalent to the proportion which such parish or extra parochial place, or part thereof respectively, is liable to bear of the expenses of maintaining or establishing the Schools in the Sub-district: and if any such parish or extra parochial place, or part of an extra parochial place, shall pay more than its proper proportion of any monies secured by any such mortgage, or of any costs, damages, or expenses, incurred in respect of any such mortgage, or of any proceedings at law or in equity for recovering or enforcing payment thereof, the other parishes and extra parochial places, or parts of extra parochial places, shall contribute their proper proportions towards the reimbursement of such parish or extra parochial place, or part of an extra parochial place: and if any dispute arises between such parishes and extra parochial places, or parts of extra parochial places, or any of them, as to the proportion or amount to be paid by them or any of them, the

As between parishes &c. in Sub-district mortgage to be a charge upon the rates proportionately.

If one parish pays more than its proportion the others to contribute.

How disputes between the parishes &c. to be settled.

same shall be settled by the Commissioners or other persons for the time being, appointed to ascertain and fix the amount of the said expenses.

Monies paid out of poor-rate of parish, a part only of which is within the Sub-district to be charged to that part. XLIII. All sums which shall be paid by reason of any mortgage as aforesaid out of the poor rate, for any Parish, part only of which is within the Sub-district, shall, as between such parish and the part thereof within the Sub-district, be charged upon and paid by that part only of the parish which is within the Sub-district, to the exoneration of the other part.

Interest of debt and part of principal to be included in the amount of expense of carrying Act into execution as to Schools, and sinking fund to be formed for paying off debt. XLIV. The Commissioners, or others appointed to ascertain and fix the amount of expenses of carrying this Act into execution, with respect to the establishment of Schools in any Sub-district, shall include in such amount the interest due upon mortgages granted under the authority of this Act, and such a proportion of the principal secured by such mortgages, as being set apart and invested to form a sinking fund, will admit of the whole debt being discharged within the period (if any) prescribed by order of Her Majesty in Council, and if no period be so prescribed, then within the period of forty years, and the Commissioners shall invest the amount so set apart, at interest in their names, in the purchase of Government securities, and shall accumulate and from time to time invest in like manner the dividends received in respect of such Government securities, so as to form a sinking fund; and shall from time to time as occasion requires apply such sinking fund in payment of principal monies, due upon such mortgages, and to no other purpose.

Commissioners of Schools to keep proper accounts, and persons interested to have access thereto. XLV. The Commissioners of Schools for any Sub-District shall cause proper accounts to be kept of all their receipts and disbursements, and any rate-payer in the Sub-District or other person interested, shall have access to such accounts at all reasonable times, and

may make copies thereof and extracts therefrom upon payment of a fee of sixpence for every inspection, and upon a payment of a further fee of sixpence for every quarter of an hour during which he shall be occupied with such accounts.

XLVI. The accounts of the Commissioners of ^{Accounts to be} Schools for any Sub-Districts, shall be audited by the Auditor from time to time appointed to audit the accounts of the Board of Guardians of the Union in which the Sub-District or any part thereof is situate, and in the same manner and at the same place and time as such accounts of the said Board of Guardians shall be audited, and such Auditor shall have the same powers and authorities for enforcing the attendance of persons and production of books, vouchers, and other documents, and otherwise for the full and proper discharge of the duties of his office, in the case of the accounts of the Commissioners of Schools, as he has in the case of the accounts of the Board of Guardians. Provided always that if any Sub-District is situate in two or more Unions, the accounts of which are audited by different Auditors, the Vice-President shall from time to time appoint by which of such Auditors the accounts of the Commissioners of Schools for the Sub-District shall be audited. Provided always that if no part of the Sub-District is situate in an Union, the Vice-President shall from time to time appoint an Auditor to audit the Accounts of the Commissioners of Schools for such Sub-District, and may appoint such fee or remuneration to be paid to him by the Commissioners of Schools, for his trouble in auditing such accounts, as the Vice-President shall think fit. And every Auditor so appointed shall have all the same powers and authority in reference to such audit, as he would have if he were an Auditor duly appointed to audit, and were actually engaged in auditing, or were about to audit the accounts of a Board of Guardians.

Power for Trustees, Guardians of Infants, &c., to contribute to Schools, to a limited amount.

XLVII. Where any School is established or maintained, or proposed to be established or maintained in any Sub-District by means or with the aid of voluntary contributions, it shall be lawful for any Trustees, Guardians of Infants, or Minors, or Committees of the estate of lunatics or persons of unsound mind seized or possessed of any lands, tenements, or hereditaments within such Sub-District, to contribute annually or otherwise out of the rents and profits of such lands, tenements, and hereditaments such a sum as they shall think fit towards the establishment and maintenance of such School, not exceeding in any case the proportion of the total amount of the expense of such establishment or maintenance defrayed or requiring to be defrayed by voluntary contributions, which would have been borne by such lands, tenements, or hereditaments by means of a rate, if such School had been established by order of Her Majesty in Council under the provisions of this Act: and in passing their accounts all such contributions shall be allowed accordingly.

Children who, or whose parents are receiving Parish relief to be educated at the expense of the Parish.

XLVIII. Every child who, or whose parents, or surviving parent is or are receiving relief from any Parish or extra-parochial place, out of the Workhouse, shall so long as such child or the parents or surviving parent of such child shall continue to be so relieved, or until such child shall obtain a certificate under the provisions of this Act, which shall first happen, be entitled to be educated by and at the expense of such Parish or extra-parochial place; and the Guardians of the Union to which such Parish belongs, or if such Parish does not belong to any Union, the Guardians or Overseers of such Parish, or the Guardians or Overseers of any such extra-parochial place as aforesaid, shall provide such education accordingly; and the costs of providing such education shall be charged to the same account as the other relief granted by the Guardians or Overseers to the same child, or his parents, or sur-

How costs in such cases to be defrayed.

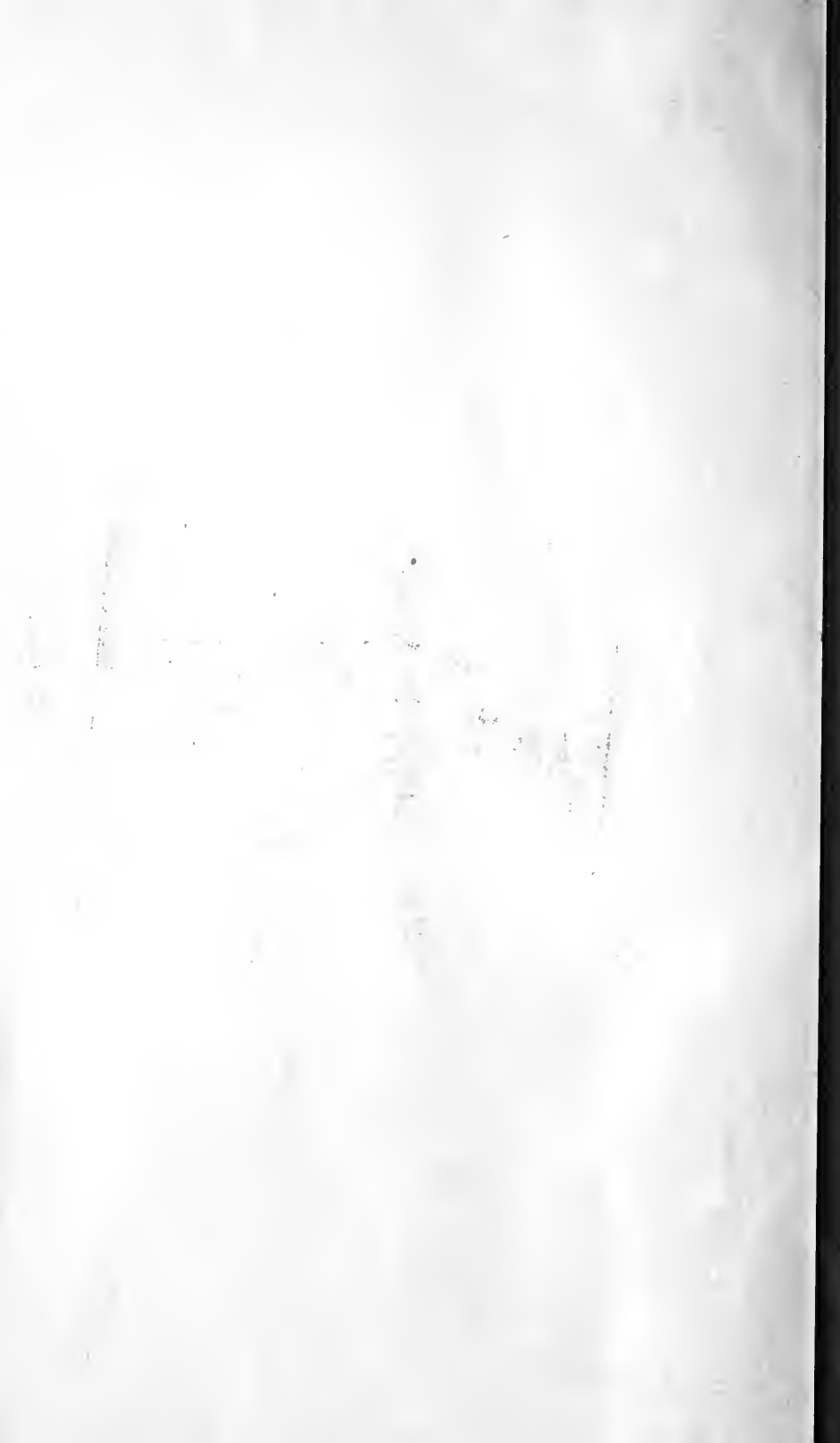
viving parent; and may be given by such Guardians or Overseers, and recovered by them as a loan, under the same circumstances and in like manner as such other relief.

XLIX. This Act shall not extend to Scotland or Ireland.

Act not to
extend to
Scotland or
Ireland.







LA
631
.7
V65

The voluntary principle
adapted to compulsory
education in rural districts

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

