



1847.

No. 11.

ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

*For the Encouragement of Public Education.*

[17th August, 1847.]

*Repealed by  
No. 20 - 1857*

**BE IT ENACTED** by the GOVERNOR OF SOUTH AUSTRALIA, with the advice and consent of the LEGISLATIVE COUNCIL thereof—

THAT it shall be lawful for the Governor, from time to time, by notice published in the *South Australian Government Gazette*, to appoint any number of Persons, not less than Three nor exceeding Five, to constitute a Board of Education, which Board, or any Three members thereof shall have power, subject to and with the approval of the Governor, by publication in the *South Australian Government Gazette*, to make such regulations as shall be proper for giving effect to this Ordinance, and the same from time to time in like manner to vary, alter, and revoke.

Board of Education.

II. AND

Governor may authorise issue of salaries for Teachers.

II. AND BE IT ENACTED, that whenever it shall be certified to the Governor by the Parents or Guardians of not less than Twenty Children between the respective ages of Six and Sixteen, that they are desirous to place such Children under the tuition of a Teacher to be named by them, with their residences and a description of the place where the School is proposed to be kept, and it shall also be certified by at least One Justice of the Peace, that he knows the residences of such Persons to be as stated by them, that such Teacher is known to him as a person of moral habits, and every way fit to undertake the care and instruction of Children, and that proper accommodation has been provided for the said School, it shall be lawful for the Governor, subject to such regulations for the due application thereof as may be made by the Governor, to authorise the payment to any such Teacher of a Salary at a rate not exceeding Twenty pounds per annum for the first Twenty Scholars, and not exceeding One pound per annum in addition for every additional Scholar above Twenty attending the School: PROVIDED that no amount shall, to any One person, be paid in virtue of this provision, exceeding Forty pounds in any One year.

Proviso.

Premium for professed Teachers.

III. AND BE IT ENACTED, that whenever it shall be made to appear by testimonials or otherwise to the satisfaction of the said Board, that any Teacher is by character, attainments, and in all other respects qualified for the profession of instructing in the higher Branches, it shall be lawful for the Governor, on the report of any Three Members of the said Board, to authorise the issue to such Teacher of a premium at the rate of One pound per annum for and in respect of every Scholar actually instructed by such Teacher in the higher Branches, over and above a Salary at the rate of One pound per annum for every Scholar attending his instructions, of any age above Six years, and in any Branches of Education: PROVIDED there be not less than Twenty Scholars in all so attending; and that no such payment shall exceed in the whole One hundred pounds per annum, which shall be the maximum amount payable to any Teacher under this Ordinance.

Proviso.

Lists and returns to be made of the attendance.

IV. AND BE IT ENACTED, that every Teacher shall keep a Book showing the names and daily attendance of the Scholars at each such School; and on the last day of every month shall prepare a nominal return or list, showing the actual attendance of such Scholars during the month and the branches in which they have been respectively taught which return or list shall be verified by the declaration of such Teacher before some Justice of the Peace to be true and correct and forwarded to the Colonial Secretary, before payment shall be made of any Salary under this Ordinance: PROVIDED ALWAYS, that no Scholar shall be deemed to be in regular attendance at such School, or taken into account for the purposes of reckoning the amount of Salary, unless

Proviso.

unless such Scholar shall have attended at least Twenty days in every month for which salary is claimed: **PROVIDED ALSO**, that a **Proviso.** Day's attendance shall be not less than Five hours at the School; **PROVIDED ALSO** that all Holidays and Play-hours approved by regulation of the Board, shall be reckoned as attendance. **Proviso.**

**V. PROVIDED ALWAYS, AND BE IT ENACTED**, that such proof shall be produced to the Governor as he from time to time shall require of the sufficient and regular performance of the duties in respect of which such Salaries shall be respectively issued; and if it shall appear to the Governor that the said duties have been culpably or wilfully neglected, or that there has been any Misconduct on the part of the Teacher it shall be lawful for the Governor to withdraw the Salary entirely, or for such time as to him shall seem proper. **Proof to be required of due performance of duty by the Teachers.**

**VI. AND BE IT ENACTED**, that it shall be lawful for all **HER MAJESTY'S** Justices of the Peace, and for any other Persons, being appointed by **HER MAJESTY**, or by the Governor in the name and on behalf of **HER MAJESTY**, as Visitors or Inspectors of any such School, to enter any such School at all reasonable hours in the day, for the purpose of inspecting and examining the State and Condition of the School and the Scholars thereat, and of making such Report thereon to Government as they or any of them may deem fit; and every such Teacher shall, on being desired, exhibit to any such Justice, Visitor, or Inspector, the Books and Returns required to be kept by this Ordinance, and shall afford all necessary information respecting the same. **Visitation of Schools.**

**VII. AND BE IT ENACTED**, that all Reports made by the Board, and by any Visitors or Inspectors under this Ordinance, together with full and true Statements and Accounts of all sums of Money paid under the authority of the same, shall be, by the Governor, laid before the Legislative Council, as soon as may be, after the then next assembling thereof. **Regulations, reports, and accounts to be laid before the Legislature.**

**VIII. AND BE IT ENACTED**, that in all Schools kept by any Teacher deriving benefit under this Ordinance, there shall be held at least Once in every year an Oral examination of the Scholars as to their progress and proficiency, which examination the Public shall be invited to attend by notice of at least Seven days, published by the Teacher in at least One of the Newspapers circulating in the Province. **Examination of Scholars.**

**IX. AND BE IT ENACTED**, that the word "Guardian" shall be construed to include any Friend having the charge of Children; "Teacher" shall be construed to include Schoolmaster and Schoolmistress; and the term "Higher Branches" to include the Mathematics, Classics, and such other Sciences, Languages, and Branches of Education, as shall from time to time be declared by Regulation of the Board. **Constructions.**

**X. AND**

Commencement.

X. AND BE IT ENACTED, that this Ordinance shall commence and take effect from and after the passing hereof, except as to the issue of Public Moneys, which shall commence from and after the First day of April next.

FREDK. H. ROBE,  
Lieutenant Governor.

*Passed the Legislative Council this Seventeenth  
day of August, One thousand eight hundred  
and forty-seven.*

W. L. O'HALLORAN,  
Clerk of Council.

**SCHEDULE.**  
**FORM OF SCHOOL RETURN.**

Name of Teacher.—District or Place.

Date—From

to

18

**NOMINAL RETURN OF SCHOLARS.**

No.	Names of Children.	Age.	No. of Days each attended during the Month.	Branches taught.	No. of Scholars.	
					Elementary.	Higher Branches.

**MEMORANDUM OF VISITS.**

Date.	Name of Magistrate, Visitor, or Inspector.

I hereby declare that the Children whose names are stated in the above Return actually attended my School during the period above specified, on the number of days set opposite their names respectively; that the above Magistrates (Visitors or Inspectors, as the case may be) visited the School on the respective dates set opposite their names; and that the foregoing is a true extract from my Book, kept in terms of Ordinance No. 11, 1847.

Signature of Teacher.

Declared before me at  
this            day of

18    )

Signature of Magistrate.