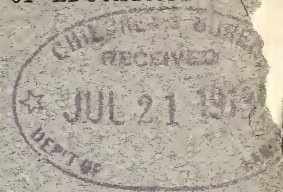


DEPARTMENT OF THE INTERIOR—BUREAU OF EDUCATION.

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BULLETIN.  
NO. 1, 1906.

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THE EDUCATION BILL OF 1906 FOR  
ENGLAND AND WALES  
AS IT PAST THE HOUSE OF COMMONS.

BY

ANNA TOLMAN SMITH,  
*Of the Bureau of Education.*

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- No. 1. The Education Bill of 1906 for England and Wales, as it past the House of Commons. By Anna Tolman Smith, of the Bureau of Education, pp. 39.
- No. 2. German views of American education, with particular reference to industrial development. Collated from the Reports of the Royal Prussian Industrial Commission of 1904. By Wm. N. Hailmann, Professor of the History and Philosophy of Education, Chicago Normal School, pp. 55.
- No. 3. State school systems: Legislation and judicial decisions relating to public education, October 1, 1904, to October 1, 1906. By Edward C. Elliott, Associate Professor of Education in the University of Wisconsin. (*In press.*)

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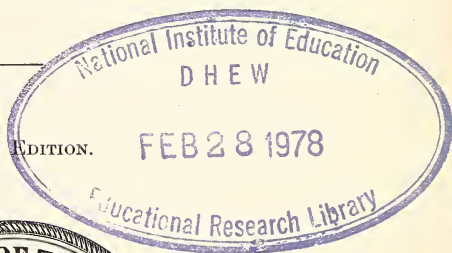
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## LETTER OF TRANSMITTAL.

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DEPARTMENT OF THE INTERIOR,  
BUREAU OF EDUCATION,  
Washington, D. C., August 30, 1906.

SIR: In accordance with the provisions of the act approved May 28, 1896 (29 Stat. L., 171), authorizing the publication by the Bureau of Education of a bulletin "as to the condition of higher education, technical and industrial education, facts as to compulsory attendance in the schools, and such other educational topics in the several States of the Union and in foreign countries as may be deemed of value to the educational interests of the States," I have the honor to present herewith the first number of such bulletin for the year 1906, and to recommend its publication. This paper, prepared under my direction by Miss Anna Tolman Smith, of the staff of this Office, relates to the new English education bill, which had past the House of Commons and had gone to second reading in the House of Lords before the beginning of the present recess of Parliament. The introductory portion shows the relation of this bill to the historical development of public education in England and Wales. The passages carefully selected from the debate in Parliament and from other public utterances, show the nature of the changes which the bill would introduce by showing the attitude of the different parties and of well-known leaders toward those changes. Finally, the full text of the bill is given as it left the Commons, together with the text of the more important provisions of the act of 1902, now in force, which are necessary to a full understanding of the new measure.

The great interest in this bill which has been manifested in our country, the fact that for several months it has been and for months to come it is likely to be the pivot of English politics and of English education, and the further fact that it presents, in their English form, questions with which, in underlying principle, American education is concerned—these considerations give warrant to the hope that such a publication will be found timely and useful.

The following additional numbers of this bulletin are in course of preparation, and will, in all likelihood, be ready for publication during the coming fall and winter:

One relating to the report on American education recently made by the commission appointed by the Prussian ministry of commerce and industry, who visited this country in 1904;

One relating to the changes which have been made in our State school systems since 1904;

One relating to changes in city school systems within the same period;

One relating to the German *Hilfsschulen*, or schools for backward and exceptional children.

Very respectfully,

ELMER ELLSWORTH BROWN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

*Principal dates in the history of the system of popular education, England and Wales.*

1833. First grant (£20,000) made by Parliament for elementary education in England and Wales to be administered by the national and British foreign school societies (annually renewed).
1838. Committee of House of Commons appointed to investigate the education of the poorer classes.
1839. Committee of council on education established; annual grant increased to £30,000.
1846. Minutes issued by council on education recognizing definitely denominational (voluntary) schools and denominational training colleges for teachers; pupil-teacher system recognized.
1847. Commission of inquiry into education in Wales.
- 1858-1861. Duke of Newcastle's commission on state of popular education.
1861. Code (Lowe's) issued establishing system of payment by results (i. e., of examination of individual pupils).
1870. Elementary education act (Forster's) passed, requiring efficient schools to be maintained throughout the kingdom and providing for the election of local school boards to establish schools where needed; hence the dual system of board schools and voluntary schools both sharing in the government grant on the same conditions; board schools to draw further support from local taxes, but forbidden to give sectarian religious instruction.
1876. Amending act passed establishing the compulsory principle and creating school attendance committees for its enforcement in districts having no school board.
1880. Law obliging local educational authorities to make by-laws for the enforcement of compulsory school attendance.
- 1889-1891. Technical instruction laws authorizing county councils to levy a tax not exceeding a penny in the pound for the support of technical schools.
1890. Local taxation, customs, and excise law, placing the surplus of the liquor duties at the disposal of county councils, with the privilege of applying the same to technical instruction.
1891. Law providing for an extra grant for schools remitting tuition fees.
1893. (1) Law making 11 years the minimum age for exemption from school attendance, and requiring an examination in a grade not lower than the fourth for every child seeking exemption from school attendance; (2) law authorizing school boards to make special provision for the elementary instruction of blind children and of deaf and dumb children.
1897. Law providing a special grant for the benefit of "voluntary" (chiefly denominational) schools at the rate of 5s. per capita of average attendance; also authorizing the federation of voluntary schools and the allotment of the grant at the discretion of the governing bodies of the federations.
1899. (1) Law (defective and epileptic children's act) "empowering local educational authorities, at their discretion, to establish special schools or classes for mentally or physically defective children and special boarding institutions for juvenile epileptics;" (2) law raising the minimum age for exemption from school attendance from 11 to 12 years; (3) creating a board of education to replace "the education department and the science and art department, providing also for the transfer to the new board of certain powers exercised by the charity commissioners with respect to educational trusts and endowments, and for the transfer to the board of the educational functions of the board of agriculture." Further, the law authorizes "a consultative committee, to be constituted by an order in council, consisting of persons qualified to represent the views of universities and other bodies interested in education for the purpose of framing, with the approval of the board of education, a register of teachers and of advising the board of education on any matter referred to them by the board." The law also authorizes the board "to inspect any school supplying secondary education and desiring to be so inspected."—Board of Education, act, 1899 (62 & 63, Vict. C., 33).
1900. Law authorizing local authorities to extend the upper limit of compulsory attendance from the thirteenth to the fourteenth year of age.
1902. Law reorganizing the national system of education, abolishing elected school boards, and transferring their duties to county and municipal councils (London excepted); admitting "voluntary" schools to share in the local taxes without control by local authorities; providing also for education other than elementary (secondary and technical).
1903. Law reorganizing system of education in London on the lines of law of 1902.



# THE EDUCATION BILL OF 1906 FOR ENGLAND AND WALES AS IT PAST THE HOUSE OF COMMONS.

By ANNA TOLMAN SMITH.

## ORIGIN AND GENERAL PURPOSE OF THE BILL.

The new education bill for England and Wales was introduced into the House of Commons April 9, 1906, by the Hon. Augustine Birrell, minister of education.<sup>a</sup> It reached committee stage early in June, in which stage, under closure, its consideration was completed within the limit of twenty-three appointed days. It was reported to the House with amendments July 27, and past at the third reading by a majority of 192 in a total vote of 546.

The measure was thus completed in the lower house in time to reach the second reading in the House of Lords before Parliament rose (August 4), which insures for it their earliest consideration in the autumn session.

When the Conservative ministry resigned in December last and a Liberal ministry was formed, it was understood that education would be their first concern; the election which followed placed the matter beyond doubt; it gave the Liberals a majority of 61 in the House of Commons over all possible combinations, and a combined Liberal and Labor majority of 145. The electoral campaign had been fought out mainly over the educational question—that is, the question of popular control of schools supported by local taxes. In this respect the policy of the new bill was practically settled before Parliament assembled.

In the Commons, the controversy between Liberals and Conservatives over the main question has been mingled with the conflicting demands of Nationalists, who in this matter stand for the Roman Catholic ideal, and those of the Labor party, whose call is for secular schools. After four months of exhaustive discussion the bill has emerged from the House, changed indeed from its original form, but intact as regards its main purposes.

By the provisions of the bill the dual system of board and voluntary schools established by the law of 1870 and strengthened by the law of 1902 is abolished.

After the 1st of January, 1908, every school supported by public taxes is to be under the control of the local authorities. Religious tests for teachers required heretofore in voluntary schools are abolished.

So far as the public provision of religious teaching is concerned, the simple Scripture lesson, the famous "Cowper-Temple" teaching allowed by the law of 1870 in board schools, is to be the universal system.

Special arrangements for denominational teaching in the voluntary schools transferred to the local authorities are made under the head of "facilities;" but this teaching is not to be given at public expense, nor during the recognized school hours, nor by the regular teachers, excepting in special cases coming under the "extended facilities clause." The latter clause with its corollary, the "contracting-out" scheme by which, under certain conditions, a denominational school may go back to the old basis established by the law of 1870—that is, may share in the Government grant as a private school—these complicate the measure without, however, the sacrifice of its vital principle.

As regards the local administration of schools the bill proposes important modifications in the system established by the law of 1902. In every aspect, therefore, the measure is

<sup>a</sup> The official title of the head of the Government board of education is "President of the board of education," but as Mr. Birrell is a member of the cabinet he is generally referred to as minister of education.

seen to be the outcome of historic conditions apart from which it is unintelligible. Hence, as preliminary to the presentation of the full text of the bill, it is proposed to consider here, first, the main particulars of the origin and growth of the existing school system in England (pp. 8-14); secondly, the main clauses of the bill in the light of the parliamentary discussions (pp. 14-31).

The full text of the bill follows on pages 31-40.

### HISTORIC ANTECEDENTS.

#### ORIGIN OF THE DENOMINATIONAL OR VOLUNTARY SCHOOL SYSTEM.

Prior to 1870 the only schools for the poor in England were schools established by private bequests or by philanthropic and ecclesiastical efforts. Early in the nineteenth century two societies, the British and Foreign School Society, which required Bible teaching without sectarian doctrine in its schools,<sup>a</sup> and the National Society, auxiliary to the Church of England, entered systematically upon the work. They roused public interest in the cause, established schools, elementary and normal, and secured large sums for their support by annual subscriptions. The passage of the reform bill of 1832, which greatly extended the franchise in England, awakened a new sense of peril from the ignorance of the masses, and in the following year (1833) a Parliamentary grant of £20,000 (\$100,000) was made in aid of elementary education. It was allotted to the two societies named, to be applied by them to the building of schoolhouses. The sense of responsibility in the matter grew apace. Leading statesmen, in particular Lord Brougham and Lord John Russell, took up the cause. The grant was annually renewed, increased in amount, and its applications extended. In 1839 a committee of the privy council was formed for the administration of the grant, and other religious denominations (Roman Catholic and Wesleyan) were soon after admitted to its benefits. Thus in 1870 there was already in existence a system of denominational schools, or, as they were termed, "voluntary" schools, aided by the state, but without compulsory existence or public control.

#### THE ELEMENTARY EDUCATION ACT, 1870.

Like the grant of 1833, the first education law for England and Wales, the Forster law of 1870, followed a reform law (1867) giving new extensions to the franchise. To the ever-increasing danger from ignorance there was added at this time the pressure of competition with nations more keenly alive to the industrial relations of science and art.

The revelations made by Mr. Forster in the speech presenting his bill roused the Government from its apathy. "More or less imperfectly," he said, "1,500,000 children are educated in the schools that we help. \* \* \* Of those between six and ten we have helped about 700,000 more or less, but we have left unhelped 1,000,000; while of those between ten and twelve, we have helped 250,000 and left unhelped at least 500,000."<sup>b</sup> In the great manufacturing centers hundreds of children of school age, the citizens and artisans of the future, ran wild in the streets. In Liverpool it was estimated that 20,000 out of 80,000 had no schooling; in Manchester 16,000 out of 65,000. In London the condition was appalling. "Where state help has been most wanted," said Mr. Forster, "state help has been least given."

To complete the voluntary system, "to fill up the gap," was the professed purpose of the Forster bill. Two principles ran thru its clauses, namely—

Legal enactment that there shall be efficient schools everywhere throughout the Kingdom. Compulsory provision of such schools if and where needed, but not unless proved to be needed.<sup>c</sup>

<sup>a</sup> In the Cowper-Temple clause of the education law of 1870 was embodied substantially the following regulation of this society: "No catechism or particular religious tenets shall be taught in the schools."—Cited from 17th Report of the Society (1822), p. 51.

<sup>b</sup> A verbatim report with indexes of the debate in Parliament during the progress of the elementary education bill, 1870, p. 6.

<sup>c</sup> Debate in Parliament, p. 8.

To this end there was set up side by side with the voluntary schools the machinery of a public school system. In every parish and borough the election of school boards was authorized, and to these bodies were imparted all the powers necessary for carrying on elementary schools, including that of borrowing money on the security of the school fund for building schoolhouses and of claiming rates (local property taxes) to make up any deficiency in their income from other sources. The election of school boards was left optional with the ratepayers, excepting that in any district where school provision was inadequate if the ratepayers failed to act, Government was to order the election. Thus at a critical moment in the national life the mandate of the state and the forces of municipal activity were turned to the service of education.

In the debate over this famous measure the question of religious instruction loomed large. As regards the board schools it was disposed of by the well-known Cowper-Temple clause forbidding them to teach any "religious catechism or religious formulary which is distinctive of any particular denomination." (Education act, 1870, sec. 14 (2).) The status of the voluntary schools in this respect remained intact, but they were bound by a "conscience clause" to permit the withdrawal from religious instruction of all children whose parents should so request. (Education act, 1870, sec. 7 (1-23).) As, however, the teachers in these schools were subject to religious tests the denominational spirit was all-pervasive.

It was admitted by both parties in 1870 that denominational schools under private control had no claim on the local taxes. On the other hand, the Government grant was allotted on the same basis to all schools. The amount in each case was determined by compliance with specified conditions as to buildings and teaching staff and "the results" of the teaching of elementary branches as reported by Government inspectors. It was further proportioned to the amount raised from local sources. These comprised, for voluntary schools, income from subscriptions, endowments, and fees; for board schools, local taxes and fees. The Government grant, which reached in 1870 the sum of £562,000 (\$2,810,000), it was anticipated would eventually furnish 50 per cent of the school income. This proportion has, in fact, been greatly exceeded.

The Forster act of 1870, which carried the impetus of Gladstone's support, forms the groundwork of all subsequent school legislation in England. The limits of Government action in the matter have been extended from time to time, in particular by the laws of 1876 and 1880 establishing compulsory school attendance, and the law of 1891 providing an additional grant for schools remitting fees, following thus the lead of the chief school boards, which had already made elementary instruction free. Until 1897, however, when a special aid grant was allowed for voluntary schools, there was no departure from the underlying principles of the original law.

#### PROGRESS OF BOARD SCHOOLS.

The impressive fact in the history of the dual school system created by the Forster Act is the phenomenal growth of the board schools. In 1873 they enrolled less than 8 per cent of the school children; in 1883 the proportion had risen to 32.7 per cent; and in 1902, the year school boards were abolished, to 47.9 per cent. Moreover, the elected boards were readily responsive to public needs; they appealed to civic pride; they represented municipal interests. In the great manufacturing and commercial centers of the country they developed higher grade schools of modern type and evening schools for the benefit of the artizan classes. Cities were transformed by their influence. "I remember," said Mr. Birrell in the speech on presenting his bill, "what my own native town—city it has become in my absence—was like before 1870. At least a quarter of its children were running idle, ragged, uneducated about its streets. The schools of the poor were nowhere to be seen. You could almost count on your fingers the lovers of education in that great place. Now the public elementary schools of Liverpool are among the best in the world. It has a training college connected with the Roman Catholics which attracts visitors from all parts of Europe, and it has a university, young indeed, but active and well endowed. Most of all

these things began with the school board; and they have made Liverpool, once a neglected city, a center, and a great center, of educational spirit and influence. What is true of Liverpool is true of dozens of other great places."<sup>a</sup>

#### THE STRAIN ON VOLUNTARY SCHOOLS.

It was impossible for "voluntary schools" to keep pace with this progress, which not only increased the annual expenditure for the schools, but required also costly buildings and equipment. In 1896 the school boards were spending on an average \$13 for the instruction of a pupil; voluntary schools spent only \$9, a difference of \$4 per pupil. In the cities the difference ran up to \$7 and \$9 per capita. It was the difference between the steady resource of a public tax and the uncertain action of private benevolence, and, according to Sir John Gorst, former chief of the education department, was "almost entirely represented by a lower payment of the teaching staff."

Complaints of the intolerable strain upon the voluntary schools won the attention of Parliament, and in 1897 a law was passed providing an extra grant at the rate of 5s. per capita of attendance for schools of this class. The law also authorized the federation of voluntary schools and the allotment of the grant at the discretion of the governing bodies of the federation.

The slight departure in 1897 from the basis of the original school law was followed by a series of events which greatly disturbed progressive school boards. The withdrawal of the grants from the science and art department for elementary schools (1900); the Cockerton judgment to the effect that school boards could not apply the income from local taxes for instruction in subjects other than elementary,<sup>b</sup> and the minute of the board of education (April 6, 1900) fixing 15 years as the upper age limit for pupils in higher elementary schools, had already disorganized the higher grade schools when the election of 1901 brought into power a ministry distinctly committed to the preservation of denominational schools.

#### THE NEW CENTRAL AUTHORITY.

Reference should here be made to the law of 1899 creating a new central authority, the board of education. To this body were committed educational functions hitherto performed by the following agencies: The committee of council on education, one division of which administered the grant for elementary schools and another division the grant for science and art schools; the charity commissioners, as related to the reorganization of educational trusts and endowments; and the board of agriculture. The new law did not limit the duties of the board to elementary education; it provided for "a consultative committee to be constituted by an order in council, consisting of persons qualified to represent the views of universities and other bodies interested in education for the purpose of framing, with the approval of the board of education, regulations for a register of teachers" and of "advising the board of education on any matter referred to them by the board." The law also authorized the board "to inspect any school supplying secondary education and desiring to be inspected."<sup>c</sup> Thus the weight of Government was thrown in favor of unity and system thruout the work of public education.

#### THE LAW OF 1902.

The purpose of the law of 1902, as stated by Mr. Balfour in his speech on presenting the measure to the House of Commons, was "to fulfil the pledge given in the King's speech that a bill should be introduced dealing not with secondary education or with primary education in their isolation, but with both in one measure and with a view to their better coordination."

In the interest of unity and coordination the school boards created by the law of 1870

<sup>a</sup> Parliamentary Debates, 4th series, vol. 155, p. 1019.

<sup>b</sup> Rex. v. Cockerton, L. R. [1901] 1 Q. B., p. 726.

<sup>c</sup> Board of education act, 1899 (62 and 63, Vict. C., 33).

were swept out of existence, and the voluntary schools were placed upon the local taxes but without control by public authorities.

In view of the protests from both Conservatives and Liberals against such a precedent, a slight modification was made by which the local education authorities were allowed to appoint two out of six managers of voluntary schools, and at the last moment the Kenyon-Slaney clause was carried which placed the religious instruction under the control of these managers. (Part III, sec. 6, 2.)<sup>a</sup>

The effects of the endeavor to put sectarian schools upon the taxes, in particular the remarkable movement of passive resistance which it excited,<sup>b</sup> and the united opposition of the Welsh councils, with the coercive efforts of the Government that followed,<sup>c</sup> have obscured the more important provisions of the law of 1902. These provisions relate to the local administration of schools and can not be understood without reference to conditions that made reform in this respect a matter of urgent necessity.

For elementary schools the units of local administration, as determined by the law of 1870, were towns, or, as they are technically termed, municipal boroughs, and civil parishes outside the towns.

In London, which was dealt with separately, the school districts already existing for purposes of the poor school laws were taken, and failing these, the vestries.

The choice was not ideal, but it was the best possible at the time. "We take," said Mr. Forster, "present known divisions and declare them to be school districts." These "known divisions," which seem so clear in the language of the law, were intermingled with other areas of overlapping boundaries subject to separate elections, distinct tax levies and governing powers, forming a complicated system which "it would require," Mr. Thring once said, "the genius of a local Moltke to reform."

Since 1870, however, great change has been wrought in local government in England. City administration has been unified thru the powers intrusted to elected councils (municipal corporations act of 1882), and the whole of England and Wales has been mapped out into 60 administrative counties and 61 county boroughs, having each more than 50,000 inhabitants, making, with the county of London (Greater London), 122 new administrative areas for local self-government. Each area is governed by a county council, elected like the municipal councils, by popular ballot. But these measures, which simplified local administration as a whole, further complicated that of the schools. The councils, municipal and county, were intrusted with public funds for technical education and were empowered also to levy a tax (not exceeding a penny in the pound) for the same purpose.<sup>d</sup> Hence in the cities and towns there was friction and waste of resources between school boards and the education committees of the councils. Everywhere reform was demanded, larger areas for the administration of rural schools, a paramount authority for cities and towns.

The Balfour bill supplied both these desiderata by making the councils of counties and county boroughs the education authorities in their respective areas (clause 1). But immediately, to allay the excitement in the great cities caused by the overthrow of the school boards, boroughs having more than 20,000 inhabitants and urban districts having more than 10,000 were given independent control of their schools. The fear also that higher grade schools would be discontinued was lessened by an amendment to clause 2 dealing with that subject. As originally drawn a local education authority was authorized to supply education other than elementary. The amendment made the action compulsory, and specified particularly the duty of making provision for training teachers and for coordinating all forms of education.<sup>e</sup>

<sup>a</sup> For text of Part III, see pp. 42-43.

<sup>b</sup> The national extent of the movement is illustrated by the following facts reported at the Free Church Conference, Birmingham, March, 1906, by the secretary of the "national passive resistance committee:" "Up to that time 70,880 summonses had been issued against passive resisters; 2,645 sales had taken place, and there were 548 leagues, more or less, in active opposition to the education act; 176 passive resisters had gone to prison, and they were willing to go on doing so until the act was repealed." (School Government Chronicle, March 24, 1906, p. 276.)

<sup>c</sup> Education, local authority default act, 1904.

<sup>d</sup> Technical instruction acts, 1889, 1891; Local taxation (customs and excise) act, 1890.

<sup>e</sup> For text of clause, see p. 42.

There followed a concession to the smaller cities and to urban areas, giving their councils "concurrent powers with the county councils in respect to the expenditure for higher grade schools" (clause 3).<sup>a</sup> Finally, in view of the fact that the councils were already overtaxed, it was provided that they should delegate their powers under the law—excepting only the power of raising a rate or borrowing money—to education committees (Part IV, sec. 17),<sup>b</sup> while both councils and committees were relieved of the oversight of individual schools through the provision of school managers. (Part III, sec. 6.)<sup>c</sup>

Thus to the councils designated as education authorities in the first clause of the law (in all, 129) were added 201 city councils, 853 authorities for "higher" education, and an indefinite number of education committees and school managers.<sup>d</sup>

The London school board, excepted from the law of 1902, was abolished the following year by a special law and the London county council added to its already enormous task the administration of a school system charged with the instruction of nearly a million children and a public expenditure of £4,000,000 (\$20,000,000) a year.

As a result of the changes made by the law of 1902 in the status of elementary schools the old terms "board" and "voluntary" schools were replaced by the terms "provided" and "nonprovided" schools. To the former class belong all schools provided by the local authorities, whether former board schools or new schools established by the councils; the voluntary schools were thenceforth to be termed "nonprovided." As the latter were admitted to share in the local taxes equally with the provided schools, the distinction between the two classes of schools was narrowed down to the privileges of denominational teaching and private control which the voluntary schools still retained.

The difficulties that beset local school administration in England are strikingly shown by the breaking down of the "one paramount authority" principle in the law of 1902. In spite, however, of complications and the indiscriminate sacrifice of the experienced school boards, called by Mr. Bryce, "the most potent and active force in education since 1870," the law of 1902 marks a distinct advance in respect to two particulars. As pointed out by Doctor Macnamara, "not only for the first time will every area in the country possess a public authority charged with the administration of education but also—and again for the first time—it is made possible to bring all grades of education, elementary, technical, and secondary, under one and the same local authority in each district. \* \* \* The act revolutionizes the system of financing education in this country. It sweeps away once and for all the dangerous anachronism of endeavoring in part to maintain the education of more than half the children attending the elementary schools out of voluntary contributions. \* \* \* For the first time, too, the local rate will be universalized. \* \* \* Of the entire ratable value of England and Wales—£186,500,000—quite sixty millions will thus be brought under compulsory contribution toward elementary education for the first time." <sup>e</sup>

#### THE MAGNITUDE OF THE SCHOOL SYSTEM.

The foregoing review sets in historic perspective the three great problems with which the education bill of 1906 has to deal—i. e., the basis of a national system, the just treatment of denominational schools, and local school administration. The magnitude of the educational work, the efficiency of which is the matter of prime importance, is indicated by the following tables,<sup>f</sup> which bring into comparative view the enrollment of pupils and the annual expenditure for the schools at the beginning of successive decades. In 1873, the first date selected, the law of 1870 was in full operation; in 1883 the compulsory principle had become well established; and by 1893 the "fee grant" provided by the law of 1891 had brought the

<sup>a</sup> For text of clause, see p. 42.

<sup>b</sup> For text, see p. 43.

<sup>c</sup> For text, see p. 42.

<sup>d</sup> See Macnamara, Doctor, The new education act at work. Fortnightly Review, January 1903.

<sup>e</sup> Fortnightly Review, January 1903.

<sup>f</sup> Taken from the official reports for the years specified.

great body of the schools to a free basis, more than four-fifths of the schools having at that date remitted fees and 4,236,867 pupils, above 82 per cent of the total number, having the benefit of free tuition. In 1903, when the education law of 1902 had come into operation, the proportion of free schools had risen to 93 per cent.

From Table I it will be seen that the elementary education of the masses in England is controlled practically by the Established Church and the local authorities. In the last decade included in the table (1893-1903) the latter schools have outstripped the church schools even in respect to number of pupils. In 1893 they enrolled 41 per cent of the pupils as against 44 per cent in the church schools; in 1903 the relations were reversed, board or council schools had run up to 49 per cent of the total enrollment, while church schools had fallen to 39 per cent. The British and Wesleyan schools are rapidly becoming a negligible factor in the problem, as they readily pass over to public control. The Roman Catholic schools on the contrary increase, but they represent a very small proportion of the total school provision and they reach a particular class of the poor in crowded centers.

The Government grant for schools, excluding grants for building and other permanent works, had reached in 1902 the princely sum of £8,000,000 (\$40,000,000). The Church of England schools derived from this source 77 per cent of their income; in the different classes of voluntary schools the proportion ranged from 72 to 80 per cent, the remainder being made up from endowments, subscriptions, and fees. In the board schools, which absorbed 44 per cent of the grant, the income from this source was only 50 per cent of their entire income. The other 50 per cent, excepting a trifling amount, was derived from the rates.

TABLE I.—*Distribution of schools and pupils at specified dates.*

Classification of schools.	1873. <sup>a</sup>			1883. <sup>b</sup>		
	Schools.	Pupils.		Schools.	Pupils.	
		Average attendance.	Per cent of total.		Enrolled.	Per cent of total.
National Society (Church of England)	8,051	1,017,688	68.64	11,703	2,134,719	49.95
Wesleyan	1,999	305,981	20.63	559	175,826	4.11
British and other schools (undenominational and Jewish)				1,412	337,531	7.89
Roman Catholic	524	88,828	5.99	817	226,567	5.30
Total voluntary	10,574	1,412,497	95.26	14,491	2,874,643	67.25
Board schools	520	69,983	4.74	4,049	1,398,661	32.75
Grand total	11,094	1,482,480		18,540	4,273,304	

Classification of schools	1893. <sup>c</sup>			1903-4. <sup>d</sup>		
	Schools.	Pupils.		Schools.	Pupils.	
		Enrolled.	Per cent of total.		Enrolled.	Per cent of total.
National Society (Church of England)	11,928	2,275,609	44.15	11,817	2,350,176	39.17
Wesleyan	522	173,885	3.37	450	153,523	2.55
British and other schools (undenominational and Jewish)	1,290	318,444	6.17	752	212,325	3.54
Roman Catholic	970	273,741	5.31	1,063	337,868	5.63
Total voluntary	14,710	3,041,679	59.00	14,082	3,053,892	50.89
Board schools	4,972	2,111,863	41.00	6,145	2,946,511	49.11
Grand total	19,682	5,153,542		20,227	6,000,403	

<sup>a</sup> Report of committee of council on education, 1873-74, Part II, pp. 2, 3.

<sup>b</sup> Report of committee of council on education, 1883-84, p. 205.

<sup>c</sup> Report of committee of council on education, 1893-94, p. 715.

<sup>d</sup> Report of board of education, statistics of public education in England and Wales, 1903-1905, p. 30.

<sup>e</sup> Includes 13 Jewish schools with 11,387 pupils.

<sup>f</sup> Now "nonprovided" schools.

<sup>g</sup> Now "provided" schools.

TABLE II.—*Income from Government grant and local sources.*

Classification of schools.	1873. <sup>a</sup>		1883. <sup>b</sup>	
	Government.	Local.	Government.	Local.
National Society (Church of England).....	£549, 426	£953, 229	£1, 203, 025	£1, 563, 697
Wesleyan.....			101, 124	119, 443
British and other schools (undenominational and Jewish).....	164, 298	285, 925	194, 628	263, 123
Roman Catholic.....	45, 479	70, 769	122, 101	128, 406
Total voluntary.....	759, 203	1, 309, 923	1, 620, 878	2, 074, 669
Per cent of total.....	36. 70	63. 30	43. 87	56. 13
Board schools.....	12, 868	84, 051	771, 950	1, 362, 284
Per cent of total.....	13. 28	86. 72	36. 17	63. 83
Grand total.....	772, 071	1, 393, 974	2, 392, 828	3, 436, 953
Per cent of totals.....	35. 65	64. 35	41. 05	58. 95

Classification of schools.	1893. <sup>c</sup>		1902. <sup>d</sup>	
	Government.	Local.	Government.	Local.
National Society (Church of England).....	£2, 371, 972	£973, 241	£3, 409, 945	£962, 205
Wesleyan.....	182, 985	63, 554	233, 628	55, 857
British and other schools (undenominational and Jewish).....	343, 660	158, 000	394, 987	153, 023
Roman Catholic.....	277, 610	101, 822	464, 163	99, 385
Total voluntary.....	3, 176, 227	1, 296, 617	4, 502, 723	1, 270, 470
Per cent of total.....	71. 02	28. 98	78. 00	22. 00
Board schools.....	2, 306, 567	1, 806, 646	3, 558, 495	3, 558, 143
Per cent of total.....	56. 08	43. 92	50. 01	49. 99
Grand total.....	5, 482, 794	3, 102, 263	8, 061, 218	4, 828, 613
Per cent of totals.....	63. 86	36. 14	62. 54	37. 46

<sup>a</sup> Report of committee of council on education, Part II, Appendix, 1873-74, pp. 4, 5.

<sup>b</sup> Report of committee of council on education, 1884-85, pp. 232-234.

<sup>c</sup> Report of committee of council on education, 1893-94, p. 740.

<sup>d</sup> Report of board of education, statistics of public elementary schools and training colleges, 1901-2, pp. 66, 67.

### THE EDUCATION BILL OF 1906.

THE MAIN CLAUSES, WITH DISCUSSIONS IN THE HOUSE OF COMMONS AND THE PUBLIC PRESS.

In its original form, the education bill of 1906 comprized five parts; as reported from the committee and finally adopted by the House it is reduced to four, Part II relating to educational endowments having been withdrawn from want of time for its consideration. It is understood that this subject will be covered hereafter by a separate measure.

#### PART I.

##### ELEMENTARY SCHOOLS.

The foundation of the bill, the declaration of the national basis, is clause 1, which past the House without amendments in committee stage by a majority of 203. The clause is as follows:

On and after the first day of January, one thousand nine hundred and eight, a school shall not be recognized as a public elementary school unless it is a school provided by the local education authority.

Mr. Birrell said on presenting the measure:

It can surprise no one that by the very first clause of this bill it is proposed to be provided that on and after January 1st, 1908, a school shall not be recognized as a public elementary school unless it is a school provided by the local educational authority. That is to say, from and after the date named, no elementary school shall receive a penny of public money either from rates or taxes unless it becomes a provided school within the meaning of the education acts. Unless electoral promises and pledges are fustian and



fudge; unless they are "mere sound and fury, signifying nothing," no other clause than this was possible. It does not fall short of our pledge, it does not go beyond our pledge, it is our pledge. It carries also with it a second pledge, in relation to tests for teachers. We have been sliding down what a famous Archbishop of Canterbury once called the "slippery slope" for many a year. I believe to-day we have reached the bottom of the hill. The act of 1902 held the bill of 1903 within its arms. Many saw it there. If ever men can be said to have intended the natural consequences of their own action, the promoters and supporters of the bill of 1902 must be said to have intended the first clause of the bill of 1906. The late prime minister whose absence from the House and the reason for it I personally greatly deplore—for although a most formidable critic he is certainly always the most agreeable of auditors—the right hon. gentleman, winding up the third reading debate on the bill of 1902, made use of these significant words, having in them almost something of a prophetic strain. He said:

"I ask no man to change his opinion upon this bill. I ask no man to give up what he regards as a conscientious conviction; my demand is simply this—living as we do in a free and constitutionally governed country, that they should attempt to make the best of a measure passed by the legislature of this country, and that if that measure fails and in so far as it fails they should devote their attention to amending it. I do not ask them to approve it. I do not ask them to say that if they had been in power they would not have found some much better plan for dealing with the infinitely difficult problem, but I do ask them, I do make this demand on the patriotism and public spirit of every class, clerical and nonclerical, in this country, that when this bill becomes law they shall do their best to work it while it is unamended, and if it requires amendment that they shall use constitutional means to amend it in conformity with the declared will of the people."

That is what we are here to do to-day, using constitutional means to amend the law in conformity with the declared will of the people. In old days the voluntary schools of this country, the old British schools, with their noble maxim "schools for all," and the national schools, which were frankly Church of England schools without a conscience clause—these voluntary schools were voluntary schools in substance and in fact. No child had need to attend them and no citizen was required to subscribe to them. In 1876 attendance became compulsory, and in 1902 the denominational schools of the country were dumped down upon the rates, subscriptions became obligatory, and were garnered by that pious churchman, the rate collector. \* \* \*

Everybody long ago, I can not but think, must have foreseen this inevitable result—there is no other way out of it—where the public money is taken complete public control must of necessity follow. In many places the abolition and destruction of this vexatious dual system will come as a great relief. The officials of several of our great educational authorities have told me that they are sick with the worry and annoyance of the costly employment of officials who have little else, indeed, sometimes nothing else, to do but to adjust the haggling accounts of the lighting, warming, and heating of these schools between the private owners and the local authority. Dual control has had a gloomy history in this country and in Ireland. We know what comes out of it. I believe that the abolition of it in this case will save an enormous amount of time, temper, and the ratepayers' money.

#### THE RELIGIOUS QUESTION.

Having thus explained the basis for the future recognition of provided schools (i. e., public schools in the American sense of the term), Mr. Birrell proceeded at once to consider the change it involves in respect to sectarian instruction, hitherto cherished as a sacred mission or an inviolable right in voluntary schools.

This first clause [said Mr. Birrell] carries with it certain definite consequences. Every voluntary school receiving rates or grants becomes at once, on so doing, a provided school within the meaning of the education acts, and consequently it will receive the same kind of religious instruction as is now being given in the provided schools of the country, subject to the famous condition that no catechism or religious formula, distinctive of any particular denomination, shall be taught in the school, and subject always to a conscience clause. This is to be the general rule throughout the land. And on what is it based? It is based, I do honestly believe, upon the happy experience of thirty-six years, during which millions and millions of English children have received their whole school education under these conditions without question and without demur on the part of the parents or of the children attending these schools. On that experience we are content to build. It is often said that this school-board religious instruction, as it is contemptuously described—that these religious exercises and biblical instruction given in the schools—were a Nonconformist invention. It has been said by ecclesiastics of eminence, who ought to know better, that it is a Nonconformist religion. As a Nonconformist born and bred, as a man nurtured in Nonconformist history and Nonconformist traditions, as one who might almost be described

as having been born in the very library of a Nonconformist minister, I protest against that description. It is absolutely without truth and without foundation. If you want to find out for yourselves, as I wish every member of this House would find out for himself, the nature and the character of the religious instruction given in the provided schools (former board schools) by almost all—practically by all—the local education authorities, you must seek for it in the various syllabuses which have been printed and issued by these authorities. I have seen scores of such syllabuses and have had the pleasure of reading them. It has been the only part of my duty during the last few months that has done me any spiritual good. \* \* \*

They are the work of good and pious men of every creed, who have done their best, and have done it successfully, as Sir William Portal<sup>a</sup> has said, to secure harmonious relations throughout the county. I would like hon. gentlemen to put themselves this question: What substantial difference do they think exists in Hampshire between the religious teaching in the county<sup>b</sup> schools, conducted under the syllabus, and the religious instruction given in the ordinary national schools in communion with the churches? This admirable system has grown up of itself. It was in no sense a foster child of Parliament. If you read the debates of 1870 you will find that eminent parliamentarians made fun of it, and so distinguished a man as Mr. Disraeli ventured to prophesy that the result would be that all sorts of different religions would be taught in different parts of the country—a Leeds religion, a Liverpool religion, and an Exeter religion.

That has not proved to be the case. The inbred piety and good sense of the English people have prevented anything of the sort springing up. I say that it is a system which suits our Protestant population, and a child is seldom withdrawn from this religious instruction. Old teachers—men with thirty years' experience behind them—have told me that, casting their mind back over that long period, they scarcely remember a single instance of anyone withdrawing his child from it. Even unbelievers—and they are numerous in large towns—do not as a rule withdraw their children from this instruction. They probably agree with that very wise man, Samuel Taylor Coleridge, who said "that if you want to make your son a fanatic the best thing to do is to withdraw him from all sympathy with the religious feelings of the age in which he lives." That is not a wise course, and I believe, therefore, we might honestly say that this system, ridiculed as it has been, of biblical instruction is in conformity with, suits the needs of, and has secured the approval of the large majority of the Protestant population of this country.

#### ALTERNATIVE TO BIBLICAL INSTRUCTION.

Now, what is the alternative? To banish the opening prayer, to silence the familiar hymn, to exclude the Bible, save in elegant extracts—there may be logic in that, but I contend that to do so would be to act against the whole desire of the nation, and I certainly would say, let us preserve as long as we can, in a prosaic age and amongst a prosaic people, any idealism we can lay our hands on. "Where no vision is the people perisheth." Our people have been accustomed to look for such scanty glimpses as they have ever obtained of the heavenly vision in the pages of the Bible. I can see no reason to interfere with what I believe to be the national feeling. The other alternative is denominational education all round—a multiplicity of schools. I will not stop to argue that. I regard it as frankly impossible. I do not deny for a moment that during all the years this strife has been going on between Church and Dissent the onlookers, the noncombatants, have grown more and more numerous, and some of them not a little weary and disgusted. They are disposed to say, "Carry on your quarrels, if you will, on consecrated ground only, and leave us in peace and in possession of our schools and of our children." For the reasons I have given I hope no such views as these will prevail. If they do it will be because of the strange alliance between those who call themselves secularists and those able men, few in number, who regard with suspicion and dislike the simple religious exercises and biblical instruction which some people go so far as to describe as a new religion. I will not enter into any controversy with any living authorities, but I can not help referring to one great Archbishop of Canterbury who entertained a very different opinion about the value of these simple exercises and this biblical instruction. I mean the late Dr. Temple.

He was a scholar, a college tutor, a school inspector, a great headmaster. He was Bishop of Exeter, Bishop of London, and Archbishop of Canterbury. He knew this question from top to bottom, and he never hesitated to express his opinion that he attached extreme value to the instruction given in our board schools, and that he was very far from thinking that there was anything in it inconsistent with the children's receiving at other times, at other hands, and other places the full teaching of the denomination of their parents.

Starting then with complete popular control, carrying with it the appointment by the local educational authority of the teacher to whom no creed test can be applied, and with such syllabus

<sup>a</sup>Vice-chairman of the Hampshire county council.

<sup>b</sup>The provided schools are often referred to as county or council schools.

bus teaching as the local educational authority adopts subject to the conscience clause, I come now to consider the question of the necessary supply of school places. One-half of the children of the country are now in nonprovided schools—some very good, some not so good, some bad, and some very bad. Now, what is required? The use of the schoolhouse for five days a week, from nine o'clock in the morning till four in the afternoon. And for what purpose is it required? To carry on State-aided, rate-maintained, Government-inspected public elementary schools—a public institution of the very first class of material importance.<sup>a</sup>

That Mr. Birrell had rightly gaged the temper of the people in their desire for religious instruction in the schools appears from the fate of two amendments offered to Clause 1. The proposition to secularize the schools and thus avoid all further controversy over this question was lost by the enormous majority of 414 votes, swelled by accessions from every party in the House. On the other hand, Mr. Chamberlain's plan of "inside facilities" for all denominations was rejected by a purely official majority of 187.

#### THE TRANSFER OF VOLUNTARY SCHOOLS.

The status of "provided schools" having been settled by the vote upon the first clause of the bill, all interest centered in the conditions affecting the transfer of voluntary schools to the local authorities, first, as regards their property interests; secondly, as regards the continuance of their sectarian teaching by special favor.

Clause 2 provides that the terms on which the local authorities may have possession of the school buildings of transferred schools shall be settled by agreement between them and the trustees, with the approval of the board of education and subject to specified conditions.

These conditions bring the charge "of maintaining the entire fabric of the school buildings" (estimated at £250,000 a year) upon the local authorities in return for their unrestricted use during the regular school hours. The owners of the buildings, as Mr. Birrell explained, will have "sole exclusive possession of them during the whole of Saturday and Sunday, and also have the use of them in the evenings of the week days," hence, he adds, "the cost of their permanent upkeep is a very considerable gift to the owners of the schools for the expenses which otherwise they have to bear."

To meet the increased expenses incurred by the transfer, the bill provides for an additional annual grant of £1,000,000 (Clause 12 in the original bill; 13 in the bill as adopted).

During the debate on clause 2 it was repeatedly pointed out that no compulsion rested upon a local authority to take over any school. The sincerity of the government in this respect was tested by an amendment to the clause which carried what Mr. Birrell aptly termed "bilateral compulsion."

The amendment provided for appeal to the board of education in case either the local authority or the trustees should fail to carry out the provisions of the law in good faith. It was defeated by a vote of 327 to 78, "the government whips telling against it." This was the first of several votes by which the House of Commons evinced its determination not to encroach upon the province of the local authorities.

To understand the spirit in which the debate over the bill was continued, especially the clauses relating to denominational schools, it is desirable to have clearly in mind the attitude of the Conservative party, and also the disabilities against which Nonconformists have protested under the existing conditions.

#### A CONSERVATIVE VIEW—SPEECH OF MR. WYNDHAM.

The Conservative position in respect to four points emphasized by different members during the debate, namely, religious equality, the rights of parents, the rights of teachers, and property rights, is indicated by the following citations from the speech of Mr. Wyndham, who, on the second reading, moved the rejection of the bill. After a brief enumeration of the main provisions of the bill, he said:

In Part I of the bill there is a violation of the principle of religious equality. That in itself is unjust; that in itself calls for our strenuous and uncompromising opposition, unless

<sup>a</sup> Parliamentary Debates, 4th series, vol. 155, p. 1019.

and until you so amend the bill as to make it consistent with the principle of religious equality, and it bears other evils in its train. We hold that the two things for which we care depend upon the preservation of the principle of religious equality. We may be right or wrong, but in the integrity of our hearts we believe that the continuous maintenance of any form of religious instruction in our schools depends largely upon the preservation of the principle of religious equality. We believe, in the second place, that the degree—I shall develop this later—to which it is possible to uphold and give effect to the right of the parents depends largely upon preserving the principle of religious equality. You concede that right in theory in certain clauses in this bill. We claim that the right of the parent is to have his child brought up in the religion which the parent prefers, and to have his child taught by those who believe in the religious instruction. You concede that in theory. \* \* \* Well, that is denied. I should have thought that it was conceded by clauses 3 and 4. Otherwise, why were these clauses introduced into the bill at all? But I admit that the concession is of very little value, because when dealing with this right of the parent you limit the operation to nonprovided schools. Why? The parent has the right; it exists independent of the accident which has given this or that character to the school, but you fetter the exercise of this right, you imperil its continuance, and you make no reasonable provision for the future. \* \* \*

The whole of this is illogical. That is not a very grave charge to bring against a bill if it departs from logic in order to meet the exigencies of the people for whom it is brought in. If it does not; if that bill goes out in this or that direction apparently only to inflict injury upon some classes of the population, then, I think, the charge that it is illogical and irrational is one which will have to be met. We hold that so far as the State is concerned it ought to be neutral.<sup>a</sup> \* \* \*

Until the minister of education brought in this bill, for which he is responsible, the State, in my judgment, had preserved a neutral attitude toward those who, on the one hand, prefer, and we think they have a right to prefer, that religious instruction should be of a definite character and that it should be given by competent persons in school hours, and, on the other hand, those of our fellow-citizens who prefer, as they have a perfect right to do, that religious instruction should be of an undenominational character; that if they are satisfied with the bill denominational instruction should be given only by the good nature of anyone who cares to give it, and that it should be given out of school hours. I hold that the State should hold the balance equally between these two great sections. But taking the facts as they are, the schools in this country in which religious education of the first kind is given number something over 14,200. They are two-thirds of the schools of this country, and more than half the children of the country are being educated in them. Under clause 1 of the bill, with an exception which I promise to deal with as fairly as I can, the rule is that all those schools are to be transferred or converted from the kind of school which many prefer into the kind of school which others prefer. The rule is, with certain exceptions, that from all these schools the religious teaching to which millions of our countrymen attach immense importance is to be abandoned; that the teachers belonging to the various denominations who have perhaps joined the teaching profession because they cared more about these matters than about the mere curriculum of secular education are silenced. They are not to be allowed to teach. That is a great interference with the liberty of the subject, and it is resented by a great body of the teachers. Moreover, owing to the operation of the third part of the bill, some of these teachers may find that their occupation is gone.<sup>b</sup> \* \* \*

We did not attack the undenominational schools; but we did believe, and we do believe, that the existence side by side with undenominational religious instruction of definite religious instruction was a stimulus which kept up the standard of religious instruction in board schools, which are now the provided schools. We believe that if you crush out definite religious instruction you imperil the maintenance of any form of religious instruction as part and parcel of the education of the English child.<sup>c</sup> \* \* \*

Let me now turn to the method of transfer. By clause 2 the transfer is to be carried out by arrangement (which is a new word in legislation) between the owners or trustees of the schools and the local bodies in cases where the local body desires to do so, and in cases where it does not desire to do so these schools may cease to be public elementary schools, and the local body may rate all those who have subscribed these large sums of money in order to build two or three schools to compete with the original schools, withdrawing from them all rate aid and aid from the exchequer. That is a monstrous proposition. You invite two persons to make a bargain, and you give to one of the parties to the arrangement the power of ruining the other unless he accepts the terms. The local authority says to the trustees of the unprovided schools, "If you do not accept my terms I shall withdraw all public aid from your schools and build two others and rate you for them. Now, what will you take?" But if even with this wonderful lever which the Government has placed in the hands of the local authority they do not succeed in making

<sup>a</sup> Parliamentary Debates, 4th series, vol. 156, pp. 1015 1016, 1017. <sup>b</sup> *Ibid.*, pp. 1017-1018. <sup>c</sup> *Ibid.* pp. 1020-1021.

an arrangement, then this anonymous, this novel body, is brought into being; this commission of three, with powers utterly unknown, is placed above all law. And what a long time the Government is going to give owners and trustees to make this arrangement. *a* \* \* \*

There are 14,200 voluntary schools, nearly all of them under trusts. Do you suppose, in default of arrangement before January 1st, 1907, that in twenty or thirty years your commission, unless you give them all the powers of Oliver Cromwell's military generals, will be able to extract that property from people whom you compel to defend it?

I come to the first exemption from the iron rule—clause 3, the ordinary facilities. If the local authority allows it, if the commission awards it, only in the nonprovided schools religious instruction may be given upon two mornings in the week. The teachers are prohibited by the State from giving it, and the pupils are told by statute that they need not attend. Why, it is a mockery. I will not waste time upon that. Coming to clause 4, the extraordinary facilities, which are confined to urban districts and to boroughs, there, if the local authority allows it and the inquiry demonstrates that four-fifths of the parents wish it, the school is to remain more or less a denominational school. I say there is no liberty in any of these exemptions. *b* \* \* \*

You are forcing the country into a period of religious war, and we think that no solution can be arrived at which does not recognize the right of the parent to choose the religious education which is to be given to the child. If you do not do that you at once set up an unfair distinction between the opportunities of the rich and the opportunities of the poor in this country. The rich man sends his son to Eton, and his child hears the services of the Church of England, to which he may be attached by many associations every day of his life. Why, if a poor man wishes that, is he not to have it? *c* \* \* \*

We may have to endure the persecution of this bill, but we will battle against it at every stage, and if the bill is passed, then throughout this Parliament and in every succeeding Parliament, until some recognition is given of "the natural and inalienable right" of every parent to see that his child receives from the State the religious teaching which his parents claim for it. *d* \* \* \*

DOCTOR MACNAMARA IN REPLY TO MR. WYNDHAM.

Doctor Macnamara, replying to Mr. Wyndham, declared that the State departed from its policy of neutrality in educational matters in 1902.

I venture [he said] to give three small points in proof of my contention, and in justification of my interruption. The first of these points is that the act of 1902—the act of the leader of the opposition—put the denominational schools upon the rates of the locality, of which I do not complain, and which I think was a right thing to do, and which I think was a great reform; but it avoided the direct consequence of popular control, which is that the moment you place public education on public funds you must follow that up by giving full public control. \* \* \* It gave a nonprovided school six managers, of whom the public had two and the trustees four. *e* \* \* \*

Again, at the present moment there are over 30,000 head teacherships in this country which are salaried out of public funds. As to 18,000 of those head teacherships, no non-conformist can, under any circumstances, apply for the post of head teacher, and in 16,220 nobody can get the position who is not a member of the Church of England. That, again, I think, is a fantastic notion of neutrality. In the third place, to go no further, although I could multiply these illustrations, there are 7,987 places open to King's scholars in the residential training colleges; but in 4,309 of those places, no matter how successful the King's scholar had been, he would not be admitted unless he changed his religion and became a member of the Church of England. *f* \* \* \*

The right hon. gentleman, the member for Dover, has said that the denominational buildings, which it is alleged are to be confiscated under the bill, are worth £32,000,000, and that the money has been subscribed because of religious zeal. \* \* \*

It is of course notorious that much of this money has been contributed for other reasons—to keep out the higher charge of a school board. *g* \* \* \*

Let me, with great respect, offer a word of warning to the extreme denominationalists who talk about confiscation. I would recommend them to agree with their adversary quickly, while he is in the way with them. I certainly think the local authority, if there is much haggling, will say: "Go away. We decline to treat with you. We will build our own schools. We will spread the cost over sixty years. The financial burden will be immediately less, and in the long run we will have a building of our own, and all the time we shall have complete control of it."

The other main attack on the bill rages around the eternal religious question. It seems to me there are three courses open to the Government in dealing with this question. They

*a* Parliamentary Debates, 4th series, vol. 156, pp. 1021–1022. *b* *Ibid.*, pp. 1022–1023. *c* *Ibid.*, p. 1025.

*d* *Ibid.*, p. 1027.

*e* *Ibid.*, pp. 1086–1087.

*f* *Ibid.*, p. 1087.

*g* *Ibid.*, p. 1089.

might have said they would dispense denominational teaching all round as part of a State system. I think that is hopelessly impracticable. \* \* \*

The second proposal is that \* \* \* "we will confine the instruction to purely secular teaching." I admit that that is absolutely logical and fair to the body at large, but it is hopelessly out of touch with the national sentiment. \* \* \* It will commit tens of thousands of the children of our cities to a youth untouched by Christian truths. The secular party may emerge well from this controversy, because it is already a powerful party, and very likely will be reinforced by the man in the street who, sick and tired of theological bickering, will adopt it as a policy of despair. \* \* \* Personally, however, I should oppose that proposal. Then, having dismissed denominationalism as impracticable, having dismissed a system of secular schools as being out of touch with national sentiment, there remains only the system of the State's giving simple Biblical teaching, leaving to outside teachers the task of adding a denominational superstructure. That is the scheme of this bill. Religious teaching need not be given unless the local authority desire it. It is not a very new feature, for it is the fundamental provision of the Cowper-Temple system as laid down in 1870. Then there is a clause under which no child need attend religious instruction unless its parents desire. That is the by-law of the late Government issued through the board of education. \* \* \*

For the first time in the history of this country, under this bill no teacher will be compelled to give religious instruction unless he likes, and that will take away many of those unfortunate aspects of the religious controversy which have been referred to. Clause 7 [in the bill as adopted clause 8], subsection 2, is a real charter of liberty to the teacher. <sup>a</sup>

#### MR. BALFOUR ON THE BILL.

In his speech already cited (p. 15) Mr. Birrell referred to the bill of 1902 as the immediate cause of the measure offered by himself. The relation between the two was emphasized also again and again by Mr. Balfour, whose perfect appreciation of the conditions to be met gave special point to his running commentary on the successive clauses of the bill as viewed from the opposition standpoint.

The following extracts from a speech by Mr. Balfour on the second reading of the bill show his position with respect to its treatment of the religious difficulties. Replying to an "attack" upon the act of 1902 by the president of the board of trade (Mr. Lloyd-George), Mr. Balfour said:

I do not quarrel with his dealing with the act of 1902, because I believe this question can only be understood if it is dealt with historically. I do not agree with his criticism, as I shall show in a moment, but I think he was justified in dealing with that act. \* \* \* I have said you ought to approach this question historically, and so you ought. The member for the Louth division of Lincolnshire, if he will forgive me for saying it, had the amazing courage to describe the bill now before us as a moderate and reasonable measure, very unlike the bill of 1902. Well, sir, let hon. gentlemen reflect upon the position we were in in 1902. In 1902 the education system of this country was a by-word to every educationally advanced nation of the world. \* \* \* There is such a thing as secular education, and our system of secular education was a by-word amongst every advanced country in the world. It had to be dealt with in a broad and comprehensive spirit. Secular education was dealt with in a broad and comprehensive spirit, and on the foundation then laid you, the majority, are going to build up anything you can do, if you can do anything, to improve the existing educational system of the country. You have not attempted, you do not mean to attempt, to alter it; you are wise not to attempt to alter it. It remains the broad basis upon which secular education for our children and, I believe, for our grandchildren is going to be framed. Now, sir, we could not deal with the great secular needs of this country without touching the question of the voluntary schools, which educated more than half the children of this country, and we could not touch the question of the voluntary schools without touching the question of religion. \* \* \*

We found an act in operation dealing with the voluntary schools and the board schools, an act passed by a great Liberal administration. \* \* \* Both the Cowper-Temple clause and the voluntary schools had to be left. To abolish the voluntary schools and leave the Cowper-Temple clause would have been the grossest injustice to one great body of opinion in the state; to abolish the Cowper-Temple clause and leave the voluntary schools would have been an outrage on another great body of opinion in the state. Illogical though they are admitted to be, both had to be left. That being the case, could we have dealt with the question better than we did? \* \* \* Under Mr. Gladstone's act we found innumerable cases in which schools were under the control of one clerical manager; we cured that.

<sup>a</sup> Parliamentary Debates, 4th series, vol. 156, pp. 1090, 1091, 1092.

\* \* \* We found that, so far as local control was concerned, there was no representative element in the voluntary schools as regards secular education; we made the control of secular education complete from top to bottom in every school throughout the country. We found there was no machinery in existence for adequately training for the teaching profession men who did not belong to the Church of England; we provided machinery by which this teaching for men not belonging to the Church of England could be provided. We found a large number of parishes in which it might seem to the local authority that the education ought not to be left to the voluntary schools; we gave them power under certain, not harsh or stringent, limitations to build another school side by side. In every one of these great particulars—not details, but vital elements of our education system—we found a method established by a Liberal Government and we corrected it. \* \* \*

Now, that is the system, with its admitted imperfections, of the Cowper-Temple clause on the one side and the single-school area on the other, with which you have got to deal. How have you set about it? I understand from the chancellor of the exchequer and other speakers that you have been driven to put before us this strange legislative effort by what you call "the mandate of the general election." \* \* \*

What are these two mandates? They are that you are to establish popular control and to abolish tests for teachers. Is either of these understood in the same sense, or in any sense, by the authority? Take popular control. There is popular control now, under the act of 1902, so far as secular education is concerned. Therefore the mandate must have referred only to religious education. Does this bill establish complete popular control as regards religious education? The education minister has told us that, in his opinion, it is an obligation—a moral though not a statutory obligation—upon the local authority to select for particular schools teachers of a particular creed. Does that mean there is complete local control over these schools in religious matters? I should have thought when you were giving mandatory instructions to the local authority that it was to select teachers of a particular religious complexion you must abandon the claim that you have established complete popular control in religious matters, and if you have ever received the mandate you claim to have received you stand convicted of disobeying it at this moment. \* \* \*

Will anybody pretend that after this bill is passed there will be either in the provided schools or in the denominational schools under clause 3, or the specially privileged schools under clause 4, either better education, a better system of religious education, or the prospect of a better system of religious education? \* \* \* It is going, for example, to take religion out of the compulsory school hours. Would you encourage arithmetic by taking it out of compulsory school hours? Or geography? Or any subject of secular learning? Do you think you are going to aid religious teaching \* \* \* by taking it out of the compulsory hours? \* \* \* Do you think you are going to improve it by preventing the experienced teachers in voluntary schools, anxious and ready to take their place on the two days a week you are going to allow in voluntary schools, to teach the form of religion for which subscribers gave their money? Do you think you improve the teaching of religion by saying to teachers not willing to give it \* \* \* you shall give it? \* \* \*

I assume, as surely I am justified in assuming, that for your million of money you are not going to get better religious teaching. There is only one thing you could get, and that is religious peace. Are you going to buy religious peace with this million of money? \* \* \* There are gentlemen who seem to think that while the Jews have a case against school board teaching, while Roman Catholics have a case against it, the Church of England are to allow the Cowper-Temple clause to remain untouched in their schools and to see with equanimity this diversion of the funds which they have given to the cause of religious as well as of secular education. \* \* \* I doubt whether it is worth while for the Government to go into committee with the view of modifying their bill to an extent which alone would make possible a satisfactory solution of this question. It would be a happier and wiser course if they were to withdraw it altogether and recast it, to adopt new principles. If they think that inconsistent either with sound policy or with their dignity, I can only say that, either in this House or in the country, they are predestined to find arrayed against them forces, both within their own ranks and outside their own ranks, which will compel them to make this measure dealing with religious education something distantly approaching an impartial settlement of the question.<sup>a</sup>

The position thus assumed by Mr. Balfour in the early days of the discussion of this measure was maintained by him to the end.

#### FACILITIES FOR DENOMINATIONAL INSTRUCTION IN TRANSFERRED SCHOOLS.

In his speech submitting the bill, Mr. Birrell dwelt upon the fact that it afforded facilities for special denominational teaching in any of the hitherto "nonprovided" schools that may choose to come to terms with the local educational authority.

<sup>a</sup> Parliamentary Debates, 4th series, vol. 156, pp. 1591-1602.

The facilities are of two kinds, ordinary and extended, the former comprised in clause 3, the latter in clause 4. The two clauses should be examined in connection also with clauses 5, 6, 7, 8, and 9.<sup>a</sup>

The terms upon which the ordinary facilities may be allowed are as follows: (1) In transferred nonprovided schools only; (2) when stipulated for by the owners as far as their bargain with the local educational authority stipulates; (3) when demanded by parents of children actually attending; (4) on not more than two mornings a week; (5) at the expense of the denomination demanding them; (6) not during the hours of compulsory attendance; (7) nor given by the teachers of the ordinary staff.

The ordinary facilities, as explained in the discussion, were especially intended to meet the case of Church of England schools, which are chiefly rural parochial schools and which in about 8,000 parishes are the only schools.

The discussion of this clause (3) was involved with that of clause 6 (original bill; clause 7 as adopted), characterized by Mr. Birrell as a "perfected conscience clause."<sup>b</sup> The latter clause was assailed on every side as destructive of good school discipline and sure to be abused by worthless parents; great excitement was also caused by the suggestion that the "two mornings a week" privilege (clause 3) might be perverted by an arrangement which would permit the parish clergyman to come into the school every morning to give different sets of children their due share of denominational teaching.

The Government, however, stood firm to its text. Clause 3 went thru committee without amendment as did eventually the conscience clause 6 (adopted bill 7), the latter, however, with the small majority of 47. To local authorities was left the responsibility of safeguarding the school discipline and fulfilling their own agreements.

The conscience clause of the law of 1870, which a large minority of members of the House of Commons sought to retain, merely allowed the children whose parents so desired to withdraw from the denominational teaching. The present clause for the first time in the history of English education allows the parent "to absent his child altogether from attendance at school until after religious lesson has been taken." In other words, it places the religious instruction outside the recognized school hours and thus in the opinion of many has a leaning toward secular schools.

#### EXTENDED FACILITIES FOR DENOMINATIONAL INSTRUCTION IN TRANSFERRED SCHOOLS.

The storm center of the debate over the bill was clause 4, providing extended facilities for denominational instruction in transferred schools. By this clause power was given to the local educational authority in an urban area (i. e., area having a population above 5,000) to arrange that a transferred school shall maintain denominational teaching as formerly under two conditions: (1) That the parents of at least four-fifths of the children desire these facilities; (2) that there be public school accommodation in schools not affected by the permission for the remaining children.

The effect of these conditions, which were made with special reference to schools maintained by Jews and by the Roman Catholic Church, though not to the exclusion of the Church of England schools, will be best understood from the views of representative men as set forth in the House of Commons or elsewhere.

During the discussion of clause 4 in the House, Mr. John Redmond, on the part of the Nationalists or Irish party, declared that:

The course the discussion had taken and the development of the new Government proposals had caused him and his colleagues most acute pain and misgiving. They had arrived at what was for them the kernel of the whole situation. Clause 4 was to be their charter. It depended on clause 4 whether this bill was to be tolerable for the Catholic schools and whether the religious convictions of the parents who sent their children to these schools would be safe-guarded, or whether, on the other hand, that clause was to be regarded by them as an instrument of injustice and of religious tyranny in the hands of a dominant majority. Personally he had from the first been filled with the belief and hope

<sup>a</sup> See text of bill, pp. 32-34.

<sup>b</sup> See text of bill, p. 33.



that clause 4 would be so altered as to fulfil the object for which it had been introduced. Notwithstanding all that had happened, he did not yet abandon the hope which he had entertained because of the necessities of the case. \* \* \* All that was necessary to make the fourth clause acceptable to them was that it should be made obligatory on the local authorities, so that there should be no loophole for evasion by any pig-headed bodies. They asked in addition that the voice of the parents should be heard in the selection of the teachers, and they asked for a qualification in the limits of 5,000 and four-fifths, which would enable the bulk of the Roman Catholic schools to come in under the provisions of the act. It had been said that the bulk of the Roman Catholic schools would come in under clause 4. There were 1,040 such schools and 501 would be excluded from all benefit under that clause by the double operation of the 5,000 limit and the four-fifths. \* \* \*

All that he and his friends wanted was this. They wanted, on the one hand, that there should be sufficient provision for these schools to enable them to be efficient, and, on the other hand, they wanted a provision which would enable them to have religious teaching in their schools as satisfactory to them as the Protestant religious teaching was to the children of the Protestant schools. \* \* \* With regard to contracting out, one of the great cries of the Nonconformists in this controversy, in the country at any rate, had been the objection, the natural objection, which they entertained to pay money for the teaching of a religion with which they did not agree. \* \* \* Now the Government were proposing to revive that system and to say to these poor Catholic schools, "You must maintain your own schools, you must pay for your own Catholic teaching, and in addition to that you must pay rates for the teaching of Protestantism in Protestant schools." \* \* \* He did not believe that such a scheme would ever pass into law, and if it did pass into law it would be the opening of a new chapter of sectarian hatred and differences in England.<sup>a</sup>

Mr. Chamberlain defined his position in a speech on the "facilities," the substance of which as presented in the Parliamentary Debates is as follows:

For himself, he said, speaking as a Unitarian, he did not attach the great importance that many of his friends did to denominational teaching. With the experience he had of the working classes of this country, he thought the bulk of those classes were not so greatly interested as many people imagined in the sectarian side of the question. That was not a new statement on his part. There was one thing on which they could safely appeal to the democracy, and that was the principle of eternal justice.

He opposed the bill because he thought it unjust and no part more so than the particular limitation of the four-fifths which had been ingeniously introduced in order to include as many as possible of the Catholic schools and exclude as many as possible of the Anglican schools. He was sure that the men in the street, who, after all, dictated the policy of the country, would not support such an injustice. They would say that there must be some intention quite different from that which was avowed on the face of their proceedings. He predicted that sooner or later the Government would have to go back to the people, who they said had given them their mandate. Whatever might be the result of a general election it would not be believed result in anything like a unanimous approval of a policy which, on the face of it, was unjust, unreasonable, unfair, and could not be defended.<sup>b</sup>

The extended facilities excited even more opposition on the part of Liberal members, who based their criticism on the statement of Mr. Birrell himself, that it was "an obvious exception to the whole scheme of the bill as laid down in the first and most important clause."

In view of the opposition to clause 4 on the ground that it extended to Roman Catholics privileges which were denied to the Established Church, the Right Hon. Sir Campbell-Bannerman, the premier under whose direction the bill has been managed, explained briefly the reason for such discrimination.

Our idea [he said] was that in the ordinary schools there should be taught religion in the form of common elements of Christianity. In the simplicity of my heart I thought that at least in the Church of England that would not have been obnoxious. The common elements of Christianity with, no doubt, a flavor of Protestantism in them—is that really distasteful to the Church of England as by law established? To my amazement a prelate of that church says that Bible teaching is dangerous unless it is accompanied by his standards. His standards! Why, his standards are based upon the Bible and not the Bible on his standards. Still, we provided in our bill for two days' teaching of special doctrines in order to meet the special desires and requirements of the Church. But the Catholics are in a different position. They have never failed to put forward as their ideal the full control of the school from the religious point of view. Therefore it seemed to us that an exception must be attempted which might include the Catholics and also any members or ministers

<sup>a</sup> Parliamentary Debates, 4th series, vol. 159, pp. 811, 812, 817, 818.

<sup>b</sup> *Ibid.*, pp. 1003-1006.

or authorities of the Established Church who are more Catholic than anything else, for if that is the conception of a school our general scheme did not meet it. Accordingly, we introduced clause 4, and what the committee have been discussing for the last two days is not the principle of the clause, but the mere machinery by which that principle is to be carried out. On the part of the Government I have to say that the principle and intention of the clause is as I have described it, and to that we are firmly wedded and do not intend to depart in any degree from it; and when I turn to the machinery of the clause, I can only say that it has been the subject of the closest and most careful consideration, and that as it stands we believe it avoids more difficulties and accomplishes more advantages than any other machinery which could be invented for the purpose. We have the appeal, the mandamus, as the ultimate authority, the nonpayment of rent. We have what is called contracting out and the ballot in order to secure that the opinion expressed by the parents of the children is genuine.<sup>a</sup>

The protests of the Liberals in the House against the bill were emphasized by a deputation to Mr. Birrell from the National Council of Evangelical Free Churches, representing above a thousand provincial associations, in whose name they urged the absolute withdrawal of the clause. Doctor Clifford at this hearing expressed the fear that "the Government were not fully aware of the gravity with which the matter was received by Nonconformist Liberals and thousands of other supporters of the ministry in all parts of the country." He added that, "if clause 4 was allowed to remain in the bill the Government could not rely upon the continued support of the large Nonconformist section of the Liberal party. He was convinced that that was the view of many thousands of them in all parts of the Kingdom."

The suggestion made by Mr. Chamberlain, that the extended facilities were a matter of necessity, is implied also in the following extract from a letter by Mr. Lloyd-George, president of the board of trade, regretting his inability to attend a conference to be held at Bangor, Wales, June 20, to consider the bill, especially in view of the opposition to clause 4:

I am well aware that clause 4 is repugnant to the vast majority of Nonconformists in this country, and I confess it is an encroachment on the symmetry of the national system which the bill is designed to set up, and nothing is to be gained by wild perversions of the purport of that clause. For instance, I observe that letters have been written to the conference stating that the clause is the worst endowment of sectarianism in the schools of this land that has ever been perpetrated by any government. A statement of that character carries with it its own refutation.

Before the conference condemns this bill I should like them to bear in mind one or two facts: (1) That the bill enables the local authorities of England and Wales to give a moral instruction to the children which will be based on the Bible; (2) that such teaching is in itself an adoption of a Protestant attitude towards the Bible; (3) that it is, consequently, if not an offence to the conscience of Catholics, at least antagonistic to the whole theory of Roman Catholicism. From the moment, therefore, that it was decided to give the local education authorities power to give religious instruction in the schools, it seemed an inevitable corollary that you should afford extended facilities to the Roman Catholic parents of the Kingdom in the schools to which they send their children. It may be said that a purely secular system would have avoided the necessity for this. I agree. It certainly would, but the Government, if it had attempted to force secularism through Parliament, would have been hopelessly beaten even in the House of Commons. It is no use, therefore, talking about purely conjectural systems, which would have no chance of becoming law under present conditions. We have got to accept the fact that the overwhelming majority of the people in this country insist upon having some Christian teaching given to their children in the schools of the country. For myself, I think they are right, but I do not wish to argue the point; it is at the present moment outside the region of argument; we have got to deal with it as an irrefragable fact.

I believe that under the circumstances the Government have done their very best to meet this most complicated situation, and I am convinced that the best thing in the interests of Liberalism is that all those who desire to see a settlement of this troubled question should help them to get through the bill as it is. It will accomplish great things. Let those who doubt it imagine for a moment what will happen in their own particular county when the bill is through. In all the parishes where the village school is now under the management and control of one sect, all those children whose parents do not belong to the communion of that sect are rigidly excluded from teacherships. Immediately this bill is passed the school passes under the control of the people who maintain it, and all the boys

<sup>a</sup> Parliamentary Debates, 4th series, vol. 159.

and girls in that particular school will be treated on terms of perfect equality, without distinction of faith or creed. Surely it is worth accomplishing, but it can only be done by united effort, for there are great obstacles yet to overcome, obstacles we dare not confront if there are divisions among ourselves.<sup>a</sup>

As a result of the deliberations in committee, clause 4 was modified by a series of Government amendments intended to safeguard its application. These amendments provide with respect to the extended facilities: (1) That the wishes of parents shall be ascertained by ballot; (2) that a child to be counted among the required "four-fifths" must have been in attendance upon the school in question for at least six months; and (3) that the use of school buildings in cases where the extended facilities are adopted must be allowed to the local authorities without rent.

Although the effort to make clause 4 mandatory<sup>b</sup> upon the local authorities failed, it led to the most noteworthy departure from the general tenor of the bill. An amendment to clause 4 (eventually incorporated in clause 5) authorizes an arrangement briefly termed "contracting out." Under this provision the central authority (board of education) may agree with the managers of a denominational school that it shall "go back and live on Government grants and voluntary subscriptions only."

In summing up the exciting contest over the clause and the conditions which it establishes, the School Government Chronicle says:

Political discipline in the House of Commons has proved easily equal to the strain put upon it by clauses 4 and 5 of the education bill. That is not to deny the severity of the strain, but only to assert the greater power of the discipline. \* \* \* We have to take the measure of clauses 4 and 5 as they now stand, and to realize their effect upon the general scheme. By the addition of "contracting out" as an alternative to denominational status within the local authority's system, clause 4 [subsequently 5] must be recognized as establishing a triple in place of a dual system. And to this system clause 5 admits conditions of indefinite extension. Little time was afforded to the majority of people interested, whether in or out of Parliament, to exchange views on the contracting-out amendment before it came forward, with the rest, for discussion. But time enough, perhaps, for it was clear that the longer this alternative was studied the less it was liked by the great majority of those who, nevertheless, voted it into the bill. To a greater or less extent we shall have the voluntary school system reestablished on the footing of 1870 to 1902; that is to say, grant aided and independent of the local education authority. And within the administration of the local education authority will be two other kinds of schools—undenominational and denominational. The fact itself of this new tripartite classification of the public elementary schools is of prime importance. The contraction or extension of its importance in the practical work of future years will depend chiefly upon the local education authorities.<sup>c</sup>

The Schoolmaster (edited by Doctor Macnamara), which from first to last has opposed the concession of "extended facilities," explains the influences that are working to restore certified, private, state-aided schools, as follows:

It is, of course, extremely easy to see how "contracting out" has been brought about. The extreme wing of nonconformity wants the denominational schools outside, so that they may be slowly extinguished as a result of the pressure of Whitehall demands. The extreme denominationalist wants them outside, because it puts them and the teachers again into the hollow of his hand. \* \* \* Finally, there is the ratepayer. He will be the most potent influence in this nefarious scheme. He has hated the act of 1902, not so much on account of any religious disability it imposed upon him, as because of the fact that it imposed upon him—in a great many areas for the first time—burdens of rating. It will be his persistent purpose to make the conditions of clause 4 so onerous that, with this "contracting out" as an alternative, denominationalists asking for "extended facilities" will have, in a great many cases, no alternative but to stand outside; and he will do this because he knows that every school which he can compel to "contract out" by one device or another means *pro tanto* in lightening the burdens of rating.

<sup>a</sup> The School Guardian, June 23, 1906.

<sup>b</sup> In this connection the decision of the High Court of Appeal in the case brought before it by the West Riding County council is important. According to this decision no local authority "is required to pay the whole salary of any teacher who gives religious instruction in a voluntary school." The decision also "opens the question whether the legal power to do so does not disappear with the legal obligation." (School Government Chronicle, Aug. 11, 1906, p. 120, on the case of *Rex v. West Riding County*.)

<sup>c</sup> School Government Chronicle, June 30, 1906, p. 577.

However, the Government has been heartily bombarded during the week upon this proposal, and in reply on Tuesday to the attack by Doctor Macnamara on Monday, Mr. Birrell went so far as to make the following statement:

"All he could say was that the bias of the board of education—whoever was in the position of its president or permanent secretary—would always be against resorting to allowing a school to stand out in any form or shape if they could by any possibility avoid it. The board of education would always regard with intense dislike and ill-concealed hatred anything which would remove from the national system—from the national obligation of support, both in form of parliamentary grants and rates, any school in the country where children received their education."

This is all very well. But if it means anything at all it means that "contracting out" ought never to have been put into the bill. Still the matter will come up again on report stage, and we very much hope that the friends of education of all parties and creeds in the meantime will put such pressure upon their parliamentary representatives as to induce the Government to see the unwisdom of retaining in any form a proposal which is fraught with the gravest danger to all save the very richest of the denominational schools of the country."<sup>a</sup>

It is interesting to note in this connection that the "contracting-out" scheme accords with a suggestion made by Dr. Michael Sadler in a letter to the London Times and elaborated in an article in the Independent Review. In the latter Doctor Sadler says:

The vested interests of existing voluntary schools, safeguarded by the act of 1870 and attenuated by that of 1902, are swept away. The local authority will be master in its own house. \* \* \* It deserves consideration, therefore, whether such certified efficient schools should not be permitted to earn their share of the parliamentary grant. They will exist in any case, for they represent tenacious conviction. This being so, it is expedient that the State should help them to keep up with the rising standard of secular efficiency, rather than leave them in poverty and, therefore, liable to sink below the normal standard of staffing and equipment. Their admission to a share in the parliamentary grant would remove what would otherwise be felt as an injustice. It would open a way for the continuance of denominational schools, as a minority, without embarrassing the administration of the local authority. It would relieve the latter from many difficult questions relating to existing endowments. It would throw upon the supporters of the schools in question the duty of paying the whole cost over and above what we received from the parliamentary grant—a duty which would test the sincerity of their conviction. And the efficient maintenance of the two sets of schools side by side—not linked, as hitherto, in a dual system which embarrasses the action of the local authorities, but enjoying non-conflicting recognition—would ensure a fruitful variety of influence in English education.<sup>b</sup>

#### THE STATUS OF TEACHERS.

Incidental to the general policy of the bill as set forth in the clauses above considered are the explicit provisions freeing teachers from religious tests, and safeguarding their tenure (clause 8) and the provisions respecting the school buildings held under charitable trusts (clause 9). Section 4 of the former clause brings to light a peculiar hardship to which teachers in an existing voluntary school may be subject by reason of the school ceasing to be a public elementary school under the new conditions. The mere continuance of the teacher on the pension list for a year as provided for in the section was so unsparingly condemned that provision was ultimately made for a money compensation to the injured teacher. (Part IV, Supplemental, Clause 27.)

#### THE NEW COMMISSION.

Clause 9 introduces a new authority, a Royal Commission whose power is absolute in the cases for which it is created, namely, in any case of appeal on the part of a local authority for action relative to the schoolhouse of an existing voluntary school held under charitable trusts. Objections to this commission were somewhat modified by the fact of its limited duration and still more by the high character of the three men specifically named for its duties. (Clause 10.)

<sup>a</sup> Schoolmaster, June 30, 1906, p. 1350.

<sup>b</sup> The future of denominational schools, The Independent Review, June 1906, pp. 261-2 2.

## PART II.

## LOCAL ADMINISTRATION OF SCHOOLS UNDER THE BILL OF 1906.

The consideration of the education bill of 1906 up to this point has been limited to the clauses of Part I which pertain to the national basis of the school system and the future of denominational schools. Part II (originally Part III) of the bill deals mainly with the question of local administration. The chief purpose of the provisions in this respect is summed up in two words, the keynotes to their discussion, viz, "devolution" and "delegation." The words indicate the means by which the new measure aims to correct the evils of excessively large areas of administration resulting from the universal county system. By the provisions of clause 15 of the present bill the county and borough councils remain nominally the paramount education authorities for their respective areas as they were constituted by the law of 1902; but it is provided that within two years after the passage of the proposed law every council shall prepare a scheme for the purpose of delegating some of their powers and duties with respect to education to representatives of minor areas. The initiative in this respect is left to the councils, but the requirement is mandatory. All parties were agreed as to the necessity of this provision, but, as Mr. Balfour pointed out, "underlying the general agreement as to the value of delegation, there was the widest divergence of opinion as to details."

As a result of the discussion in committee, this section of the bill was greatly modified, but in its final form it preserves the points which Mr. Birrell noted as of chief importance, namely, "delegation to bodies as varied as possible" according to local conditions, the preservation of "the elective element," the exemption of small counties from obligations under clause 15, and large place for the service of women.

"Nothing personally," he said, "gave him more sorrow than the exclusion of women from the administration of the educational work of the country, for they were by common consent among the best members of the old school boards. It was a work for which they were eminently fitted, considering the number of female children in our schools, and the whole character and abilities of women lent themselves to educational zeal. Though they could not be elected upon local councils, he hoped there would be no objection if the Government proposal enabled women to play a more useful, responsible part in a great work from which they ought never to have been excluded.<sup>a</sup>

The minor authorities provided for by clause 15 will not, however, have the force of bodies elected directly by the people for the control of their schools. In the larger cities the demand for a return to the *ad hoc* system, as it is popularly termed, continues. Even in the report stage of the bill a clause was moved for the establishment of an "education board for London," and although it was withdrawn, Mr. Birrell himself took occasion to express his belief that sooner or later the necessity for some measure of this kind would be recognized. Lord Stanley, of Alderley, for many years identified with the London school board, in a critical examination of the present bill, says:

Personally, I regret that the legislation of 1902-3, which put on the heavily weighted municipal and county authorities the additional task of education, has not been set aside. I do not say that it was politic at this moment to reopen that controversy, but I believe that before many years have passed we shall have to return to elective bodies chosen to administer education, and that alone.<sup>b</sup>

Peculiar interest attaches to Lord Stanley's discussion of the entire measure, since its fate in the House of Lords may be largely determined by his influence.

Aside from the main purpose of creating smaller areas of school administration, Part II is of interest as showing great advance in respect to national solicitude for the welfare of children. When the law of 1870 was passed the Lowe Code (regulations for elementary schools) was in force. It authorized a very limited course in the elementary branches and the allotment of the Government grant on the results of the examination of the individual

<sup>a</sup> From the Times (London), Thursday, July 12, 1906.

<sup>b</sup> The new education bill. The Contemporary Review, May 1906, p. 609.

children. The bill of 1906 provides for vacation schools and play centers, after the example of our own country; the medical inspection of schools; and for scholarships available for children in elementary schools above the age of 12 years (clause 24, secs. *a, b, c*).

The two clauses, 15 and 24, which in the opinion of Mr. Asquith, chancellor of the exchequer, "are worth all the rest of the bill," carry this measure far beyond the limits of political or sectarian controversy into the higher realm of educational ideals. Taken in connection with clause 18, which removes the two-penny limit of rate (local tax) for "higher" (secondary and technical) education, they justify the opinion expressed by Doctor Sadler in discussing the bill. "It is true," he says, "that, in some of the issues, religious controversy and denominational rivalry are both involved; but neither of these causes is strong enough to account for what has happened. For the real explanation we have to look elsewhere, and I believe we shall find it in the stir of a new conviction among the masses of the people that in a kind of education, very different in range and quality from that which has passed muster hitherto in our public elementary schools, lies their children's best chance. The conviction is still, for the most part, inarticulate. It vaguely demands reform, without a very clear idea, in point of detail, of what it wants to get; and multitudes of those who have most to gain from great changes in educational opportunity are still indifferent to the need. But the conviction spreads. The fire is alight. The old situation is completely changed. What sufficed five years ago will suffice no longer. For what can be accomplished by skilfully directed education, the English people has in its heart at last begun to care."<sup>a</sup>

This opinion is emphasized by the strong support given to the clauses above considered by the vote of the labor party in the House of Commons.

### PART III.

#### THE COUNCIL FOR WALES.

The greatest surprise of the bill was Part III, clause 26 (originally Part IV, 37), which would give Wales independent control of its educational system.

In committee an amendment was moved by Mr. F. E. Smith (Liverpool) to substitute for the proposed "central education authority for Wales, to be called the Council for Wales," a "consultative education committee under the board of education, to be called the 'Welsh central committee.'" In the course of his remarks the member expressed doubts as to there being any "real unanimity among all denominations in Wales" with respect to the principle of the proposal. In support of this position he referred particularly to the conference at Cardiff, at which it was presumed the clause originated.

In response, Mr. Lloyd-George, to whose leadership Wales is indebted for the success of the provision, said:

He did not complain generally of the statement made by the hon. member, but he pointed out that at the first conference, representative of all creeds, this clause was not in existence. The bill had not been produced, and therefore he could not have said that the Cardiff conference was in favor of a council for Wales. \* \* \* It would be too much to ask that there should be absolute unanimity in any country on any particular proposal; but here they had a representative conference at which were present two Anglican bishops, two Roman Catholic bishops, and the majority of the Conservative candidates for Wales. A resolution was unanimously passed in favor of a national council for Wales to aid and supply education of all kinds—primary, secondary, and higher. The resolution was carried in this form on the suggestion of the bishop of St. David's. \* \* \* The first conference was held before the bill had been prepared; but a second conference, representative of Welsh education authorities, was held in June, and expressed its approval of the establishment of a Welsh national council for education. The resolution was proposed and seconded by supporters of the Conservative party, and was carried with only four dissentients. That showed that this was not regarded as a political question in Wales. \* \* \* The hon. and learned member was wrong in saying that in regard to intermediate education there was no autonomy in Wales. Autonomy was complete, and it had been an unqualified success. There was no country in Europe which made such sacrifices for secondary education as

<sup>a</sup> The future of denominational schools. The Independent Review, June 1906, p. 253.

Wales. Some Welsh counties had surpassed even Prussia. \* \* \* While in England the whisky money had been used for a long time in relief of rates, the Welsh counties had applied the whole of the money to building up their system of secondary education. The result was that, while secondary education was in England largely a matter of class, in Wales 8,000 out of the 10,000 children in the secondary schools came from the elementary schools. Colleges like that at Bangor—to which there was no parallel in the poor districts of England—had been founded by the voluntary contributions of quarrymen and agricultural laborers. \* \* \* The success of the Welsh University colleges was attributable to the fact that the religious controversy had been kept out. Any power which would allow the council to wrangle about religion would destroy its efficiency from the outset. He should welcome any help in eliminating the virus of this religious controversy from the system of Welsh education. As to criticisms of detail, the first amendment dealt with the question of control. He was not afraid of control, and if it was felt that real and effective Parliamentary control ought to be retained, he was perfectly willing to agree to amendments with that purpose.<sup>a</sup>

In accordance with this declaration, Mr. Lloyd-George proposed the creation of a “special minister for Wales.”

Mr. Balfour in an impassioned criticism of the unexpected proposition declared “that the clause conferred administrative and legislative home rule on Wales. That was their first objection; and the Government knew the second objection they felt to the clause. Those who followed the action of the Welsh opponents and critics of the bill of 1902, and not least that of the right honorable gentleman who spoke to the committee in such mellifluous accents just now, knew that they had gone beyond the verge of legality in their attempt to destroy, or to minimize, the effect of the act of 1902, and they were justified, therefore, in looking with the extremest suspicion upon any proposal which handed over to a Welsh central body powers to do legally that which these gentlemen had endeavored to do illegally.”

The new proposal, according to him, was not merely to give a central authority to Wales for primary education, but for all sorts of education, and it was to create a new ministry.

Never [he said] until the right hon. gentleman got up had it been breathed that a new paid member of the Government, a new staff, a new office, new duties were going to be set up for a portion of the United Kingdom, a new minister dealing with Wales as a whole and with no other part of the United Kingdom. That, whether right or wrong, was a constitutional change of the utmost gravity and moment. And when they had got their minister for Wales, did they think he was going to be confined to education? Did the Welsh members want him to be confined to education? Of course they did not. He was not discussing the question of home rule at all, but this was the beginning, and he did not think the right hon. gentleman would deny it, of a new system under which Wales was to bear the same relation to this House and to the other parts of the United Kingdom that Ireland or Scotland bore.

\* \* \* Never before had such a proposition been made under such circumstances. It was thrown at their heads within five hours and a half of the moment when all discussion must cease before a House of Commons which knew nothing of the proposal beforehand. That was a deliberate insult to this House which no other government in his recollection had ever dared to inflict. <sup>b</sup>

Mr. Asquith, chancellor of the exchequer, in reply to Mr. Balfour, explained that the proposal on the part of the Government was simply “to give to Wales in this matter the same kind of separate educational administrative control as now prevailed in Scotland and in Ireland.”

The discussion was prolonged to the limit of time allowed by the closure when the clause as amended was carried by a vote of 335 to 107. The proposal of a separate minister for Wales was, however, subsequently set aside.

#### REPORT STAGE.

In the proceedings of the report stage on the bill no new points were elucidated, but special emphasis was laid upon its treatment of the religious problem. Mr. Balfour, closing the discussion for the Opposition, claimed that the bill did not remedy the grievances of Nonconformists, and that it was unjust to parents and to the Church of England. In

<sup>a</sup> Parliamentary Debates, 4th series, vol. 161, No. 1.

<sup>b</sup> *Ibid.*

response, Mr. Birrell, ignoring details, set forth the main objects of the bill as a sufficient refutation of the charges against it. In part he said:

We have had very little attention paid in these debates to clause 1, which has been almost unchallenged and has passed almost undiscussed. It has occupied a very short time indeed, and its authority has been very little challenged, either in the House or in the country. \* \* \* Anyhow, there clause 1 is, unaltered and unamended, and so it will go to another place. It secures for every Nonconformist in every village throughout this country an undenominational school within his reach. Clause 1 is what I called it once before, a charter of freedom to the village Nonconformist, and a bill which contains that clause can not truthfully or properly be said to be a bill which did not relieve, did not entirely remove, the grievance which the right honorable gentleman admits he found staring him in the face when he took up the problem in 1902, and which he left staring him in the face after he passed the act. I say, therefore, that clause 1 has relieved the Nonconformist grievance. Clause 7 has also relieved the teachers, set free the teachers' conscience, a matter of some importance to a vast and honorable profession. These two clauses taken by themselves fulfill pledges and work a mighty reform. I am not here to find fault with the act of 1902, having administered it, as it has been my lot to do for some months. I recognize, as indeed many of us have recognized, that it contains some admirable provisions. But the right honorable gentleman failed, and he has admitted that he failed—I do not blame him; with his allies and his supporters he found it impossible. I know something of the difficulty of allies, and even the most powerful minister, even a prime minister, seldom has all his own way, and I, therefore, being the humblest of ministers, could not expect to have had all my own way in this matter. Therefore, I do not blame the right honorable gentleman for having been unable to deal with the grievance which he admitted he found, and which he left for us to deal with. I think, therefore, that clauses 1 and 7 are very considerable achievements and very great reforms. Then there is the religious difficulty with which the right honorable gentleman dealt. I have never been among those who quarreled with the existence of the religious difficulty. I regret, of course, that it should exist—we all must; but I do not wonder that it does exist, nor am I angry, if you can imagine such a thing, with my fellow-countrymen for attaching the great importance which they do to this subject. \* \* \* While we admit the differences that divide us, let us not, for Heaven's sake, exaggerate them and make them out to be more serious. We had to grapple with the religious difficulty. We grappled with it in a certain way. We knew the opposition we should meet with from various quarters. But our object being to secure the maximum of religious instruction in the greatest number of schools, we came to the conclusion that it was only by adhering to the system of undenominational teaching that we could secure a wide system of religious instruction which excludes the formularies distinctive of religious sects, but which allows the teacher to put the whole force of his religious character into his religious teaching, a character without which his teaching would be vain, no matter to what denomination he belongs. If he has not got it, it does not matter what he calls himself; if he has the teacher's gift, then, indeed, even through the so-called "dry bones" of this Copper-Templeism he can impart to the children who fall under his influence all the elements of sound religion and deep-rooted piety. We have kept our pledges. We have secured popular control. The right honorable gentleman says, What is the value of it if you put all sorts of burdens on the local authorities? So it will. That is the lookout of the local authority. I have never known a local authority which despised new duties or shirked new administration. We have secured popular control; we have secured through all the villages undenominational schools for the children of Nonconformists. Then it is said that in doing this you have inflicted grievous wrong and injury on the Church of England. I do not believe it. I should be very sorry if I thought that any action or word of mine had done any harm to the Church of England as a spiritual body. I care nothing for it in any other capacity. I believe that this bill, so far from doing it any harm as a spiritual organization, will remove and disperse a black cloud of suspicion and dislike which for two hundred years and more has hung over it in the matter of education. So far from doing injury to the Church of England, this bill, if properly carried out, if due effect is given to its provisions, will strengthen the Church of England and make it far more popular in the country districts than it has been in the past, and relieve it from a cloud of suspicion, dislike, and sometimes, I am afraid, of actual hatred. I therefore claim that this bill will not substantially injure the Church of England. It will secure, in the first place, where the schools are taken over, their catechetical teaching, the rent for their premises, which will enable them to obtain, if necessary, such outside assistance as they require. They may give it in the school, or under clause 6 they may give it in the Church. They may take away the child altogether during the three-quarters of an hour of instruction. This freedom will be restored to them; the power and the control of the clergy, the loss of which they resented so bitterly in 1902, when it was taken from them, will to some considerable extent be restored to them. I say that as a spiritual instrument their position, so far from being worse, will be better under the provisions of this bill. \* \* \* The bill leaves us to-night. It goes elsewhere. Many



have spoken of what is going to happen elsewhere. I have no such knowledge. I indulge in no speculation on the subject. Their responsibility rests with them and with them alone. They can do whatever they choose to this bill. In parting with the bill I have to thank the House for the great kindness and invariable courtesy with which they have received me, inexperienced in these matters, from first to last. I am not sorry that my first efforts in trying to pass a bill through this House should have been one connected with a subject which, after all, whatever our opinions may be, goes deep down into the very vitals of the future of our people.<sup>a</sup>

On account of the failure of the Government to modify clause 4 in the particulars which Mr. Redmond had pointed out as necessary to make it acceptable to the Roman Catholics,<sup>b</sup> the Irish vote was cast against the bill. Notwithstanding this defection the bill as reported from the committee stage past the House of Commons with very slight modifications by a majority of 192, or only 11 less than the majority recorded for the first clause by the House of Commons in committee.

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<sup>a</sup> From The Times, London, July 31, 1906.

<sup>b</sup> See pp. 22, 23.

*Complete text of the education bill of 1906.*

A BILL [as amended in committee and on report] to make further provision with respect to education in England and Wales.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—*Elementary schools.*

1. On and after the first day of January, one thousand nine hundred and eight, a school shall not be recognised as a public elementary school unless it is a school provided by the local education authority.

2. (1) A local education authority for the purpose of continuing any existing voluntary school as a school provided by them, in cases where they desire to do so, may, with the consent of the board of education, make any arrangements they think fit by agreement with the owners of the schoolhouse of the school for obtaining such use of it as is required for carrying on a public elementary school, and may as occasion requires renew any such arrangement or make fresh arrangements for the purpose in a similar manner; but it shall be a condition of any such arrangement—

(a) That the local education authority during the continuance of the arrangement keep the schoolhouse in good repair, and are enabled to make any alterations and improvements which in the opinion of the local education authority (or in case of dispute in the opinion of the board of education) appear to be reasonably required, subject to the right of the owner of a schoolhouse which is not held under any charitable trust himself to carry out, if he wishes it, any alterations or improvements so required, and to recover from the local education authority any expenses which, in the opinion of the authority, or in case of dispute, in the opinion of the board of education, are reasonably incurred for the purpose; and

(b) That the use of the schoolhouse obtained by the local education authority is free from any trusts or conditions which are not consistent with the conduct or management of the school as a public elementary school provided by them, or in any way restrict their full control of the school as a public elementary school, save as hereinafter provided.

(2) The owners of the schoolhouse of any existing voluntary school which is subject to charitable trusts shall have full power, notwithstanding those trusts, to make and carry out any arrangement under this section, and in the time during which the local education authority have not the use of the schoolhouse under any such arrangement, to use the schoolhouse or permit it to be used either in consideration of a payment or free of charge for any purposes of public or social utility they think fit, subject nevertheless to any statutory provisions under which the use of the schoolhouse or any room therein may be required for public or educational purposes.

(3) Any school in respect of which an arrangement is made under this section shall for the purposes of the education acts be deemed to be a school provided by the local education authority.

(4) Nothing in this section shall affect the powers of a local education authority with respect to purchasing or taking on lease a schoolhouse under section nineteen of the elementary education act, one thousand eight hundred and seventy.

(5) Nothing in this section shall prevent the granting or requiring of facilities for special religious instruction in accordance with this act, or prevent a local education authority, as a condition of an arrangement made under this section with respect to the use of the schoolhouse of an existing voluntary school, from giving an undertaking to give religious instruction which does not conflict with section fourteen of the elementary education act, one thousand eight hundred and seventy, in the school.

3. (1) If the affording of facilities under this section for the giving of religious instruction of some special character not permitted under section fourteen of the elementary education act, eighteen hundred and seventy, has been made a condition of any arrangement for the use by the local education authority of the schoolhouse of a transferred voluntary school, or of any scheme under this part of this act with respect thereto, or of the purchase or hire of the schoolhouse, that authority shall, notwithstanding anything in that section, afford those

facilities by enabling children whose parents wish them to receive religious instruction of that special character to receive that instruction on not more than two mornings a week, and the mornings fixed by the local education authority shall be the same mornings in the week for all those children, unless the authority, on account of the accommodation in the school, or the number of classes in the school, consider that the instruction can not be efficiently given on the same mornings to all the children whose parents wish them to receive it.

(2) No part of the expense of giving religious instruction of a special character under this section shall be paid by the local education authority.

4. (1) A local education authority may afford extended facilities for religious instruction of some special character not permitted under section fourteen of the elementary education act, eighteen hundred and seventy, in any transferred voluntary school in an urban area, by permitting the religious instruction given in the school to be instruction of that special character, notwithstanding anything in that section, if an application is made to them for those extended facilities, and if they are satisfied, after holding a public local inquiry with reference to the application—

(a) That, as the result of a ballot taken previously to the inquiry as to the wishes of the parents in accordance with this section, it appears that the parents of at least four-fifths of the children attending the school desire those facilities; and

(b) That there is public school accommodation in schools not affected by a permission given under this section for the other children attending the school:

*Provided*, That a child shall not be reckoned in the number of children for whom accommodation is required if the parent of the child shows at the inquiry that he does not require that accommodation for his child, and that no vote has been given at the ballot in respect of the child.

Where extended facilities are so afforded, the local education authority may also, if they think fit, permit the teachers employed in the school to give the instruction desired, but not at the expense of the authority.

A local education authority shall take into consideration any application made to them with respect to a school under this section if it is made by the parents of at least twenty children attending the school and if an application under this section has not been made with respect to the same school during the preceding twelve months, and shall cause a ballot to be taken and hold a public local inquiry with reference thereto, but shall not be under any obligation to take into consideration any application otherwise made to them. Extended facilities shall not be afforded under this section except where the use of the schoolhouse is given, or the schoolhouse is transferred, to the local education authority free of any rent or other payment in respect of the use of the schoolhouse for the purposes of a public elementary school.

(2) A permission given under this section may be at any time withdrawn by the local education authority if, after causing a ballot to be taken and holding a public local inquiry with reference to the matter, they think that the conditions on the strength of which the permission was given no longer obtain; but the withdrawal of a permission shall not take effect until the expiration of such period after the date on which the resolution of withdrawal is passed (not being less than twelve months) as the authority may fix, and shall not prevent a permission under this section being again granted in respect of the school on any subsequent application.

(3) For the purposes of this section, the expression "urban area" means the county of London and any borough or urban district having in either case a population exceeding five thousand according to the last census for the time being.

(4) An application may be made under this section as respects any existing voluntary school for a permission to take effect in the event of the school becoming a transferred voluntary school, and the provisions of this section shall apply in such a case as they apply in the case of a school which has actually become a transferred voluntary school.

(5) A ballot for the purposes of this section shall be taken in accordance with regulations made for the purpose by the board of education, and those regulations may incorporate any of the provisions of the ballot act, eighteen hundred and seventy-two (including the penal provisions thereof).

5. (1) Where the local education authority refuse to agree to an arrangement offered to them by the owners of the schoolhouse of an existing voluntary school as respects the use of the schoolhouse, and the school is one in respect of which extended facilities are desired, the owners of the schoolhouse may appeal to the board of education, and that board may, if they are satisfied that all the conditions requisite before extended facilities can be granted in a school under this act are fulfilled in the case of the school, and, if they think fit, after considering the circumstances of the case, and the wishes of the parents of children attending the school as to the continuance of the school with extended facilities, by order, make an arrangement under this act with respect to the use of the schoolhouse on such terms and conditions as may be contained in the order, including a condition requiring extended

facilities to be afforded, but if, under any special circumstances of the case the board think it expedient, they may, instead of making such an arrangement, make an order allowing the school to continue as a state-aided school. Provided that—

(a) An order shall not be made under this provision unless the schoolhouse is, in the opinion of the board of education, structurally suitable; and

(b) An arrangement made by order for the use of a schoolhouse under this provision shall not have effect for more than five years.

(2) It shall be the duty of the local education authority to comply with any condition contained in any arrangement made by an order under this section.

(3) An appeal under this section shall not be entertained unless it is made before the first day of January, one thousand nine hundred and eight.

(4) The parents of at least twenty children attending a transferred voluntary school, if aggrieved by the mode in which extended facilities are afforded by a local education authority, may appeal to the board of education, and that board, if satisfied, after considering the circumstances of the case, that there are reasonable grounds for the appeal, may make an order allowing the school to continue as a state-aided school, and providing so far as necessary, for the cancelling of any arrangement made with respect to the transfer or use of the schoolhouse, and for any other matter for which provision is required in connection with the order.

(5) Where an order is made under this section allowing a school to continue as a state-aided school, the board of education may, notwithstanding anything in this act, pay to that school the parliamentary grants which would be payable in respect of the school or the scholars in the school if it was a public elementary school, so long as the board are satisfied that the regulations contained in paragraphs one, two, and three of section seven of the elementary education act, one thousand eight hundred and seventy (a copy of which shall be conspicuously put up in the school), and such other conditions as they prescribe as conditions for the payment of the grant, are complied with in the case of the school. A state-aided school shall not be treated as a public elementary school except for the purpose of the elementary school teachers (superannuation) act, one thousand eight hundred and ninety-eight, and any other purpose which may be prescribed by the board of education.

6. If the local education authority at any time make an arrangement for the transfer to them, or the use by them, of the schoolhouse of an elementary school not being a public elementary school, and conduct it as a public elementary school provided by them, the foregoing provisions of this act with respect to facilities (including extended facilities) shall apply to that school in the same manner as they apply to a transferred voluntary school; but nothing in this section shall be construed so as to apply the provisions of this act allowing an appeal to the board of education in cases where a local education authority refuse to make an arrangement as respects the use of the schoolhouse of an existing voluntary school.

7. The parent of a child attending a public elementary school shall not be under any obligation to cause the child to attend at the schoolhouse, except during the times allotted in the time table exclusively to secular instruction.

8. (1) A teacher employed in a public elementary school shall not give any religious instruction of a special character not permitted under section fourteen of the elementary education act, one thousand eight hundred and seventy, in any school in which facilities for that instruction are afforded under this act, except where permitted to do so by the local education authority in cases where extended facilities are so afforded.

(2) A teacher employed in a public elementary school shall not be required as part of his duties as teacher to give any religious instruction, and shall not be required as a condition of his appointment to subscribe to any religious creed, or to attend or abstain from attending any Sunday school or place of religious worship.

(3) Where a local education authority continue an existing voluntary school under this act as a school provided by them, any teachers in the school at the time of the transfer shall continue to hold office under the local education authority by the same tenure and on the same terms and conditions, so far as they are consistent with the provisions of this act as before the transfer.

(4) Any teacher employed at the time of the passing of this act in an existing voluntary school, who loses his employment by reason of the school ceasing to be a public elementary school in consequence of this act, shall be entitled, in accordance with regulations made for the purpose by the treasury and the board of education, notwithstanding anything in the elementary school-teachers' superannuation act, one thousand eight hundred and ninety-eight, or the rules made under that act, to pay contributions to the deferred annuity fund under that act during any time (not exceeding one year after the date at which he so loses his employment) in which he is not employed in recorded service, and to reckon the time in respect of which contributions are so made as if it were recorded service.

9. (1) Where the schoolhouse of an existing voluntary school is held under charitable trusts, and no arrangement has been made with respect to the schoolhouse under this act,

the local education authority may, at any time after the first day of January, one thousand nine hundred and seven, apply to the commission appointed under this act to make a scheme with respect to the mode in which effect is to be given to the trusts of the schoolhouse in the future: *Provided*, That where the owners of a schoolhouse have appealed to the board of education as regards that schoolhouse under the provisions of this act relating to appeals with respect to extended facilities, no application under this section shall be entertained or proceeded with by the commission unless and until the board of education have determined not to make an order on the appeal to them.

(2) In making any such scheme, the commission shall act in accordance with the principles followed by the high court in exercising as the successors of the court of chancery the ordinary jurisdiction as to charities inherent in that court; but

(a) They shall not treat a proposal to carry on an elementary school as a proper mode of giving effect to the trusts of the schoolhouse unless sufficient guarantee is given for the effective continuance of the school for a period of at least five years; and

(b) If they are of opinion that the use of the schoolhouse for the purpose of a public elementary school by the local education authority in accordance with this act is the best mode of giving effect to the trusts, they may by the scheme make provision for the purpose, subject to such conditions (if any) as to payment or other matters as the commission think just, having regard to—

(i) The grants or assistance, if any, received from public funds towards the building, enlargement, or improvement, or fitting up of the schoolhouse.

(ii) The limited nature of the user thereof by the local education authority.

(iii) The facilities given therein for special religious instruction and the performance of the original trusts.

(iv) The cost of maintenance and repair; and such other circumstances as may in their opinion properly be considered.

(3) A provision made by the commission with respect to the use of a schoolhouse by a local education authority shall not have effect for more than five years, unless the local education authority and the owners of the schoolhouse agree that the provision shall have effect for a longer time.

(4) A scheme made by the commission shall have effect as if enacted by this act, but a provision made by the commission with respect to the use of a schoolhouse by the local education authority may be altered by the board of education with the consent of the owners of the schoolhouse and the local education authority, and on the expiration of any such provision the board of education shall have the same powers for renewing the provision, or making a fresh provision for the like purpose, as the commission have with respect to the provision originally made; and for the purposes of this act any provision renewed or made by the board of education shall be treated as a provision made by a scheme of the commission under this section.

(5) No court shall have power to review or interfere in any way with the schemes, decisions, or other proceedings of the commission, and the commission shall amongst other matters have power to decide whether a schoolhouse is held under charitable trusts or not.

10. (1) The commission under this act shall consist of the Right Honourable Sir Arthur Wilson, K. C. I. E., Sir Hugh Owen, G. C. B., and Henry Wilson Worsley Taylor, esquire, K. C.

(2) If a vacancy occurs in the office of any commissioner so appointed by reason of death, resignation, incapacity, or otherwise, His Majesty may appoint some other person to fill the vacancy, and so from time to time as occasion requires.

(3) The remuneration of the commissioners and all expenses of the commission incurred in the execution of this act shall be paid out of moneys provided by Parliament.

(4) The procedure, place of meeting, and authentication of documents of the commission shall be regulated in such manner as the commission determine.

(5) The commissioners may examine witnesses on oath, and for enforcing the attendance of witnesses, after the tender of their expenses, the examination of witnesses, and the production of books and documents, shall have all such powers, rights, and privileges as are vested in any of His Majesty's courts of law.

(6) The powers of the commission shall be in force until the thirty-first day of December, one thousand nine hundred and eight, but His Majesty may by order in council continue their powers for such further period as His Majesty thinks fit.

11. (1) Where the schoolhouse of an existing voluntary school is held under charitable trusts, the local education authority, if they require the use of the schoolhouse for the purpose of avoiding for the time being any deficiency of public school accommodation in their area and have not obtained that use under this act, shall be entitled to have, without payment, such use of the schoolhouse as is needed for the purpose of carrying on a public elementary school from the first day of January, one thousand nine hundred and eight, until the first day of January, one thousand nine hundred and ten.

(2) While a schoolhouse is used under the powers given by this section, the same conditions and provisions shall apply under this act as where an arrangement is made for the use of a schoolhouse, except that the local education authority shall not make any alteration which is of a permanent character, or will interfere with the use of the schoolhouse for any purpose for which it has been previously used, and shall permit the religious instruction given in the school to be of the same character as that previously given, and shall also permit the teachers in the school to give that instruction as part of their duties; and if a vacancy arise in the office of teacher while the schoolhouse is used under this section, the local education authority shall, in choosing the teacher, appoint a teacher who is willing to give the religious instruction required under this section.

(3) An arrangement or a scheme may be made under this part of this act with reference to a schoolhouse used under the powers given by this section, notwithstanding that it is so used; but where such a scheme or arrangement is made, the provisions of this section shall cease to apply on the date when the scheme or arrangement commences to take effect.

12. (1) An existing voluntary school shall not be closed at any time between the passing of this act and the first day of January, one thousand nine hundred and eight, except with the sanction of the board of education, and if the managers of any such school in cases where no such sanction is given are unwilling or fail to carry on the school during that period, the local education authority may carry on the school, as a school provided by them, until the first day of January, one thousand nine hundred and ten, and for that purpose shall, notwithstanding any trust or condition on which the schoolhouse is held, have full authority to use that schoolhouse for the purposes of the school.

(2) If the owners of the schoolhouse refuse to give such possession of the schoolhouse as is required for the purposes of this section, that possession may be obtained, whatever may be the value or rent of the schoolhouse, by or on behalf of the local education authority, either under sections one hundred and thirty-eight to one hundred and forty-five of the county courts act, one thousand eight hundred and eighty-eight, or under the small tenements recovery act, one thousand eight hundred and thirty-eight, as in the cases therein provided for, and in either case as if the local education authority were the landlord.

13. In addition to any other parliamentary grant there shall be annually paid, out of moneys provided by Parliament, a grant of one million pounds, to be distributed amongst local education authorities in such shares and in such manner as may be determined by the minutes of the board of education for the time being in force with respect to public elementary schools.

14. In this part of this act—

(1) The expression "existing voluntary school" means a school which is at the time of the passing of this act a public elementary school not provided by the local education authority.

(2) The expression "transferred voluntary school" means a school which is continued as a public elementary school by the local education authority in the schoolhouse of an existing voluntary school, either under an arrangement made in pursuance of this part of this act or under an agreement for the purchase or hire of the schoolhouse made after the passing of this act and before the first day of January, one thousand nine hundred and eight, or an agreement made in continuance of such an agreement or in pursuance of a scheme made by the commission under this act.

(3) The expression "public local inquiry" means a local inquiry held by a local education authority in accordance with regulations made by the board of education for the purpose.

(4) The expression "owners," as respects any schoolhouse, means any persons (other than the official trustee) in whom the schoolhouse is vested, and includes any persons in whom an interest in the schoolhouse is vested to the extent of that interest.

Where a schoolhouse or any interest therein is vested in the official trustee or where any difficulty arises as to who are the owners of the schoolhouse or any interest therein, any persons recognised or appointed to act as owners for the purposes of this part of this act by the board of education, shall for those purposes be deemed to be the owners.

During the time between the passing of this act and the first day of January, nineteen hundred and eight, the owners of the schoolhouse of an existing voluntary school shall furnish to the local education authority any information which the authority may reasonably require as to the title under which the school is held and, in the case of a school held under charitable trusts, as to the nature of the trusts and the contents of the trust deeds (if any).

(5) No child shall be reckoned, for the purposes of the provisions of this part of this act relating to extended facilities and appeals with respect to the mode of giving extended facilities, as a child attending a school, unless the child has attended the school with due regularity for at least six months, in accordance with the code of minutes of the board of education for the time being in force in respect to public elementary schools, and if any question arises whether a child has attended a school for the purpose of those provisions, that question shall be decided by the board of education.

PART II.—*Miscellaneous amendments.*

15. (1) The council of every county shall, subject to the provisions of this section, within two years after the passing of this act, prepare a scheme for the purpose of delegating throughout their county to representative bodies, as defined by this section, some of their powers and duties with respect to elementary education, and shall as soon as may be after the passing of this act obtain information for the purpose of making such a scheme by public local inquiries and other means.

No power of making a by-law under section seventy-four of the elementary education act, eighteen hundred and seventy, or of incurring expenses in respect of capital expenditure or rent on account of the provision or improvement of a public elementary school, and no power to engage, dismiss, or fix the salary of a teacher or of making arrangements under this act for the use of the schoolhouses of voluntary schools or of affording or withdrawing facilities under this act, for the giving of religious instruction of some special character, shall be delegated under the scheme, without prejudice, however, to any power of delegation (otherwise than by scheme) under any other act.

(2) Where powers and duties are delegated to a representative body under a scheme made in pursuance of this section, the county council shall charge on the area for which the representative body acts (in this section referred to as "the delegation area") the whole or some proportion of the expenses of carrying out the powers and duties delegated, or any amount of those expenses which exceeds some specified sum or limit, and may, in addition, if provision is made for the purpose by the scheme, charge on the delegation area any expense which appears to the county council to have been caused by any neglect or default of the representative body to perform the duties delegated to them or through the withholding of any grant due to any such neglect or default.

(3) The provisions of the scheme, as to the powers and duties delegated and as to the charging of expenses, shall be uniform as respects all the delegation areas in the county.

(4) A delegation area must be either a local government area or a combination of local government areas, and the areas combined need not necessarily be contiguous.

A representative body must be either—

(a) A body elected for the purpose in manner provided by the scheme by the local government or parochial electors for the delegation area, on which women shall be capable of being elected; or

(b) The council of a local government area, where that is possible owing to the delegation area being a single local government area; or

(c) A body composed of members of the councils of such local government areas wholly or partly situate in the delegation area as the scheme directs and appointed by those councils in such manner and proportions and subject to such conditions as may be provided by the scheme, and, if the scheme so directs, of additional members nominated in manner provided by the scheme, and not exceeding in number one-fourth of the total number of the representative body.

For the purposes of this provision, in the case of a local government area being a parish not having a parish council, parochial electors shall be substituted for members of the parish council, and the parish meeting shall be substituted for the parish council.

Women shall be capable of being nominated as such additional members, and the scheme shall provide for the inclusion of some women amongst the members so nominated.

(5) Every scheme prepared under this section shall be submitted to the board of education and shall be approved by the board if they are satisfied that proper inquiries have been made before preparing the scheme and that an opportunity has been given to persons interested in the matter for expressing their views on any scheme so prepared and that the scheme is within the powers given by this section.

On the approval of a scheme by the board of education, the scheme shall have effect as if enacted by this act.

(6) If, after obtaining information for the purpose of a scheme under this section, the council of a county having a population, according to the last census, of less than sixty-five thousand pass a resolution that a scheme is not necessary in their case, having regard to the special circumstances of their county, and make a special report on the subject to the board of education, the board of education may, if they think fit, exempt that council from the obligation to make a scheme under this section, but the council may at any time, if they think fit, make such a scheme, although the scheme is not prepared within the time limited by this section.

(7) A scheme under this section may be altered or amended by a subsequent scheme made in accordance with the provisions thereof, and a county council may at any time make such a scheme for the purpose.

(8) A county council shall not be under any obligation to appoint managers under section six of the education act, one thousand nine hundred and two, for a public elementary school if they consider that the management of the school is properly provided for by delegation to a representative body.

(9) The accounts of the receipts and expenditure of a representative body under this section shall be made up and audited in like manner and subject to the same provisions (including penal provisions) as the accounts of a local education authority: Provided, that if, in any case, the local government board so determine, those accounts shall be audited as accounts of the county council, and in that case the auditor shall have the same power with respect to members of the representative body and their officers as he would have if those members and officers were officers of the county council.

(10) If any local authority who are elected by the local government or parochial electors of their area or any representative body for any delegation area under this section request the council of the county in which the area is situated to incur specially for the benefit of that area expenditure in relation to elementary education beyond the normal expenditure in the rest of the county, the county council may, if they think fit, charge the expenditure so incurred separately upon that area.

(11) In this section—

The expression "county" does not include a county borough or the county of London, and does not include any part of a county which is not included in the area of the county council as local education authority under Part III of the education act, one thousand nine hundred and two.

The expression "local government area" means a borough, an urban or a rural district, or a parish.

16. (1) A local education authority shall have the same power, exercisable in the same manner and subject to the same provisions, for the purchase of land either compulsorily or by agreement for the purposes of Part II of the education act, one thousand nine hundred and two, as they have under the education acts for the purposes of Part III of that act, but the powers given by this section shall be in addition to and not in derogation of any powers for the purpose possessed by the council.

(2) A local education authority may—

(i) appropriate, with the consent of the board of education, for the purpose of Part II of the education act, one thousand nine hundred and two, any land acquired by them for the purposes of Part III of the education act, one thousand nine hundred and two, or taken over by them under that act as successors of a school board; and

(ii) appropriate, with the consent of the board of education, for the purposes of Part III of the education act, one thousand nine hundred and two, any land acquired by them for the purpose of Part II of the education act, one thousand nine hundred and two, either under that act or for similar purposes under any act repealed by that act; and

(iii) appropriate, with the consent of the local government board, for any of the purposes of the education acts, any land acquired by them otherwise than in their capacity as local education authority; subject in any case to any special covenants or agreements affecting the use of the land in their hands.

(3) Where the capital expenditure in connection with any land appropriated under this section or any loan for the purpose of repaying that expenditure or any part of that expenditure or loan has been or is charged on or raised within any special part of the area of the local education authority, and the board of education or, in the case of land appropriated under this section and not acquired for any of the purposes of the education acts, the local government board are of opinion that the use of the land for the purposes for which it is appropriated will alter the area benefited by the expenditure, the board shall order such equitable adjustment in respect thereof to be made as they think right under the circumstances, and the local education authority shall comply with any order so made.

17. In the application of section sixty-nine of the local government act, one thousand eight hundred and eighty-eight, to money borrowed after the passing of this act under the education acts by the council of a county, a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the maximum period within which borrowed money is to be repaid, and any money reborrowed for the purpose of discharging a loan raised for the purposes of the education acts may, if the local government board approve, and subject to such conditions as they impose, be repaid within such period, not exceeding sixty years from the date of the original loan, as the local government board fix.

18. The limit on the amount which may be raised by the council of a county for the purposes of education other than elementary under section two of the education act, one thousand nine hundred and two, shall cease to operate.

19. If the local government board by general order declare that expenses incurred for particular purposes specified in the order may be properly treated under section eighteen of the education act, one thousand nine hundred and two, as expenses incurred by way of capital expenditure, no question shall be raised on audit as to the treatment of expenses incurred for those particular purposes in that manner.

20. Where any receipts or payments of money under the education acts are entrusted to any joint education committee established under section seventeen of the education act,



one thousand nine hundred and two, or to any joint body established under section fifty-two of the elementary education act, one thousand eight hundred and seventy, or otherwise established by two or more local authorities, the accounts of those receipts and payments shall, unless in any case the local government board direct to the contrary, or any provisions to the contrary which have been approved by the local government board are contained in the scheme or instrument establishing the committee or body, be audited as if the joint committee or body were a separate local education authority, and the enactments relating to the audit of the accounts of local education authorities (including the penal provisions of those enactments) shall apply accordingly.

21. (1) The public works loan commissioners may lend to a local education authority any money which that authority are authorised to borrow for the purposes of Part II of the education act, one thousand nine hundred and two.

(2) The public works loan commissioners may lend to the governing body of any school or other educational institution not conducted for private profit for the purpose of the provision of buildings (including recreation grounds), equipments or improvements, any sums which that body may borrow, and any loan so made shall bear interest at such rate, not less than three pounds five shillings per cent per annum, as the Treasury may authorise as being in their opinion sufficient to enable those loans to be made without loss to the Treasury.

22. (1) If any question arises—

(a) Whether any purpose for which a council wish to exercise their powers under the education acts, is within their powers under those acts; or

(b) Whether any purpose for which a council wish to exercise any powers under the education acts is a purpose of Part II of the education act, one thousand nine hundred and two, or of Part III of that act; or

(c) Whether any school, college, or hostel is a school, college, or hostel provided by a council, or a school, college, or hostel aided but not provided by a council; that question shall be referred to and determined by the board of education, and their decision shall be conclusive on the matter.

(2) For the purposes of the education acts, the providing or aiding the provision of any training or instruction of any kind whatever, and any like purpose which the board of education determine to be an educational purpose, shall be deemed to be educational purposes; and the expression "education" in those acts shall be construed accordingly.

23. The owners of a transferred voluntary school shall give the local education authority the right to use, on not more than three days in the week, any room in their schoolhouse out of school hours for any educational purpose, if, in the opinion of the authority, or, in case of dispute, in the opinion of the board of education, there is no suitable accommodation for the purpose in schoolhouses belonging to the authority.

The terms on which the use of any room in a schoolhouse is to be given under this section shall be such as may be agreed upon, or, in default of agreement, settled by the board of education.

24. The powers and duties of a local education authority under Part III of the education act, one thousand nine hundred and two, shall include—

(a) Power to provide, for children attending a public elementary school, vacation schools, vacation classes, play centers, or means of recreation during their holidays or at such other times as the local education authority may prescribe, in the schoolhouse or in some other suitable place in the vicinity, so far as the local education authority in the case of a schoolhouse or place not belonging to them can obtain for the purpose the use of the schoolhouse or place; and

(b) The duty to provide for the medical inspection of children before or at the time of their admission to a public elementary school, and on such other occasions as the board of education direct, and the power to make such arrangements as may be sanctioned by the board of education for attending to the health and physical condition of the children educated in public elementary schools; and

(c) Power to aid by scholarships or bursaries the instruction in public elementary schools of scholars from the age of twelve up to the limit of age fixed for the provision of instruction in a public elementary school fixed by section twenty-two subsection two of the education act, one thousand nine hundred and two.

25. Any obligation to frame, form, or keep a register of teachers under paragraph (a) of section four of the board of education act, one thousand eight hundred and ninety-nine, shall cease.

#### PART III.—*Council for Wales.*

26. (1) His Majesty may, by order in council, establish a central education authority for Wales, to be called the Council of Wales, consisting of members appointed by the councils of counties and of county boroughs and of any boroughs and urban districts having a population of over twenty-five thousand, according to the census of one thousand nine hundred and one.

(2) In determining the number of representatives to be appointed by each of those authorities, regard shall be had, among other matters, to population and rateable value: Provided, That the council of each county and of each county borough shall appoint at least two representatives, and that provision shall be made by the order in council, so far as is practicable, for the representation of minorities in the number of representatives appointed by the council of each county and each county borough, and on any executive committee appointed by the council, in the proportion so far as possible of at least one in three.

(3) The Council of Wales shall have power to supply and to aid the supply of education of all kinds in Wales.

(4) The following powers and duties, so far as they relate to Wales, shall, subject to the provisions of this section and to such exceptions as His Majesty may make by order in council, be transferred to the council of Wales:

(a) The powers and duties of the board of education; and

(b) The powers and duties of the board of agriculture with respect to instruction connected with agriculture and forestry; and

(c) The powers and duties of the central Welsh board for intermediate education: Provided, That the following powers and duties shall be reserved to the board of education:

(a) Any appeal to the board of education, and the determination of any question under this act, except where the contrary is specially provided in this act;

(b) The power of determining whether any transferred voluntary school shall be discontinued or not;

(c) The regulation and control of State-aided schools; and

(d) All powers and duties of the board of education under the charitable trusts acts, one thousand eight hundred and eighty-three to one thousand eight hundred and ninety-four, and the endowed schools acts, one thousand eight hundred and sixty-nine to one thousand eight hundred and eighty-nine.

In the exercise of any powers or in the performance of any duties transferred under this provision the Council of Wales shall be subject to the control of the treasury.

(5) Any money which may be placed at the disposal of the Council of Wales by Parliament for the purpose of education in Wales, on estimates submitted to Parliament for the purpose by the treasury, shall be administered by that council, subject to the control of the treasury.

(6) The order in council may make provision for the Council of Wales having power to raise any money required by them by means of contributions from the authorities who appoint members of that council, and for the borrowing of money and acquisition and holding of land by the council, and for any other matters for which it is necessary or expedient to make provision for the purpose of enabling the council to perform its duties or exercise its powers.

(7) The accounts of the Council of Wales, whether they relate to money granted by Parliament or not, shall be deemed to be public accounts within the meaning of section thirty-three of the exchequer and audit departments act, one thousand eight hundred and sixty-six, and shall be examined and audited accordingly.

(8) An order in council made for the purposes of this section may be varied or revoked by any subsequent order so made.

(9) The draft of any order in council proposed to be made under this section shall be laid before each House of Parliament for not less than four weeks during which that House is sitting before it is submitted to His Majesty in council, and if before the expiration of that time an address is presented to His Majesty by both Houses of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new draft.

(10) This section shall apply to the county of Monmouth as if it were part of Wales.

#### PART IV.—*Supplemental.*

27. (1) If a certificated teacher employed at the time of the passing of this act in an existing voluntary school satisfies the local education authority in whose area the school is situated that he has lost employment, or been obliged to accept employment with a diminished salary, by reason of the school ceasing to be a public elementary school in consequence of this act, and that he has used all diligence to obtain suitable employment, he shall be entitled to be paid by the local education authority such an allowance as the authority think just under the circumstances, not exceeding, in cases where the teacher has suffered complete loss of employment, three times the amount of the yearly salary to which he was entitled on the thirtieth day of June, one thousand nine hundred and six; or, if he was not employed on that day, to which he was entitled when he was last employed previously to that date; and, in the case of a teacher who has been obliged to accept a diminished salary, not exceeding three times the amount by which his salary is diminished.

(2) Any teacher aggrieved by the decision of a local education authority with respect to his application for an allowance under this section may appeal to the board of education, and the board of education, after considering the case, may proceed under this section in the same manner as the local education authority could have proceeded.

(3) Conditions may be attached to the award of any allowance under this section providing for the repayment to the local education authority of some part of the allowance in cases where the teacher obtains employment after the allowance is awarded.

(4) Any allowance awarded under this section by the local education authority or on an appeal by the board of education shall be paid by the local education authority as expenses incurred by them under Part III of the education act, one thousand nine hundred and two, and shall be a debt due from the authority to the teacher.

(5) A teacher who has received an allowance under this section shall not be entitled to a disablement allowance under section two of the elementary school teachers' superannuation act, one thousand eight hundred and ninety-eight, until the expiration of five years from the date on which the allowance under this section becomes payable, and the local education authority and the board of education on appeal, in considering the amount to be granted as an allowance to a teacher over the age of sixty years, shall take into consideration his right to a pension under that act when he reaches the age of sixty-five.

28. Nothing in this act shall affect the powers of the board of education to aid out of the parliamentary grant schools for blind, deaf, defective, or epileptic children under section twelve of the elementary education (blind and deaf children) act, one thousand eight hundred and ninety-three, or section seven of the elementary education (defective and epileptic children) act, one thousand eight hundred and ninety-nine, and notwithstanding anything in the education acts, a parliamentary grant may be paid to marine schools, and to the Royal Hospital school, Greenwich, and to schools for demonstration and practice connected with training colleges inspected by the board of education, and to any elementary school which is part of or is held in the premises of any institution in which children are boarded, although the school is not provided by the local education authority.

29. For the purpose of disposing of any questions outstanding under section thirteen of the education act, one thousand nine hundred and two, as to the application of any endowment, the board of education may, on the application of the local education authority, or of any persons appearing to the board of education to be interested, determine not only any question which they have power to determine under that section, but also any question whether any part of the income of an endowment should, under that section, have been paid to the local education authority, and may by any such order determine the proportions in which the income of the endowment should, for the purpose of that act, have been apportioned between the persons entitled thereto, and may indemnify any person in respect of any payment purporting to have been made or withheld in pursuance of that section, notwithstanding that the payment has not been properly so made or withheld.

30. (1) The enactments mentioned in the schedule to this act are hereby repealed to the extent specified in the third column of that schedule as from the first day of January, one thousand nine hundred and eight, except where an earlier date is specially mentioned in that schedule as respects any repealed enactment.

(2) This act may be cited as the education act, one thousand nine hundred and six, and shall be construed as one with the education acts, one thousand eight hundred and seventy to one thousand nine hundred and three, and those acts and this act are in this act referred to as the education acts, and may be cited as the education acts, one thousand eight hundred and seventy to one thousand nine hundred and six.

(3) This act shall not extend to Scotland or Ireland.

*Education Act, 1902 (partial text).a*

AN ACT to make further provision with respect to education in England and Wales.

[18th DECEMBER, 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lord's spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—*Local education authority.*

1. For the purposes of this act the council of every county and of every county borough shall be the local education authority:

*Provided*, That the council of a borough with a population of over 10,000, or of an urban district with a population of over 20,000, shall, as respects that borough or district, be the local education authority for the purpose of Part III of this act, and for that purpose as respects that borough or district the expression "local education authority" means the council of that borough or district.

PART II.—*Higher education.*

2. (1) The local education authority shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the board of education, to supply or aid the supply of education other than elementary, and to promote the general coordination of all forms of education, and for that purpose shall apply all or so much as they deem necessary of the residue under section 1 of the local taxation (customs and excise) act, 1890, and shall carry forward for the like purpose any balance thereof which may remain unexpended, and may spend such further sums as they think fit: *Provided*, That the amount raised by the council of a county for the purpose in any year out of rates under this act shall not exceed the amount which would be produced by a rate of 2 pence in the pound, or such higher rate as the county council, with the consent of the local government board, may fix.

(2) A council in exercising their powers under this part of this act shall have regard to any existing supply of efficient schools or colleges, and to any steps already taken for the purposes of higher education under the technical instruction acts, 1889 and 1891.

3. The council of any noncounty borough or urban district shall have power as well as the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary: *Provided*, That the amount raised by the council of a noncounty borough or urban district for the purpose in any year out of rates under this act shall not exceed the amount which would be produced by a rate of one penny in the pound.

4. (1) A council in the application of money under this part of this act shall not require that any particular form of religious instruction or worship or any religious catechism or formulary which is distinctive of any particular denomination shall or shall not be taught, used, or practiced in any school, college, or hostel aided but not provided by the council, and no pupil shall, on the ground of religious belief, be excluded from or placed in an inferior position in any school, college, or hostel, provided by the council, and no catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel so provided, except in cases where the council, at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel otherwise than at the cost of the council: *Provided*, That in the exercise of this power no unfair preference shall be shown to any religious denomination.

(2) In a school or college receiving a grant from or maintained by a council under this part of this act:

(a) A scholar attending as a day or evening scholar shall not be required as a condition of being admitted into or remaining in the school or college to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and

(b) The times for religious worship or for any lesson on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.

PART III.—*Elementary education.*

5. The local education authority shall throughout their area have the powers and duties of a school board and school attendance committee under the elementary education acts, 1870 to 1900, and any other acts, including local acts, and shall also be responsible for and have the control of all secular instruction in public elementary schools not provided by them, and school boards and school attendance committees shall be abolished.

6. (1) All public elementary schools provided by the local education authority shall, where the local education authority are the council of a county, have a body of managers consisting of a number of managers not exceeding four, appointed by that council, together with a number not exceeding two appointed by the minor local authority.

Where the local education authority are the council of a borough or urban district they may, if they think fit, appoint for any school provided by them a body of managers consisting of such number of managers as they may determine.

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<sup>a</sup> The full text of the act was given in the Commissioner's Report for 1902, vol. 1, pp. 1018-1026. Here are repeated only parts referred to in the discussion of the new bill. The sections omitted are Part III, clauses 8-16, relating to the carrying out of the new requirements; Part IV, clauses 18-27, relating to powers of county and county borough councils not affected by the new bill and defining terms.

(2) All public elementary schools not provided by the local education authority shall, in place of the existing managers, have a body of managers consisting of a number of foundation managers not exceeding four, appointed as provided by this act, together with a number of managers not exceeding two appointed—

(a) Where the local education authority are the council of a county, one by that council and one by the minor local authority; and

(b) Where the local education authority are the council of a borough or urban district, both by that authority.

(3) Notwithstanding anything in this section—

(a) Schools may be grouped under one body of managers in manner provided by this act; and

(b) Where the local education authority consider that the circumstances of any school require a larger body of managers than that provided under this section, that authority may increase the total number of managers, so, however, that the number of each class of managers is proportionately increased.

7. (1) The local education authority shall maintain and keep efficient all public elementary schools within their area which are necessary, and have the control of all expenditure required for that purpose, other than expenditure for which, under this act, provision is to be made by the managers; but, in the case of a school not provided by them, only so long as the following conditions and provisions are complied with:

(a) The managers of the school shall carry out any directions of the local education authority as to the secular instruction to be given in the school, including any directions with respect to the number and educational qualifications of the teachers to be employed for such instruction, and for the dismissal of any teacher on educational grounds, and if the managers fail to carry out any such direction the local education authority shall, in addition to their other powers, have the power themselves to carry out the direction in question as if they were the managers; but no direction given under this provision shall be such as to interfere with reasonable facilities for religious instruction during school hours;

(b) The local education authority shall have power to inspect the school;

(c) The consent of the local education authority shall be required to the appointment of teachers, but that consent shall not be withheld except on educational grounds; and the consent of the authority shall also be required to the dismissal of a teacher unless the dismissal be on grounds connected with the giving of religious instruction in the school;

(d) The managers of the school shall provide the schoolhouse free of any charge, except for the teacher's dwelling house (if any), to the local education authority for use as a public elementary school, and shall, out of funds provided by them, keep the schoolhouse in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority: *Provided*, That such damage as the local authority consider to be due to fair wear and tear in the use of any room in the schoolhouse for the purpose of a public elementary school shall be made good by the local education authority.

(e) The managers of the school shall, if the local education authority have no suitable accommodation in schools provided by them, allow that authority to use any room in the schoolhouse out of school hours free of charge for any educational purpose, but this obligation shall not extend to more than three days in the week.

(2) The managers of a school maintained but not provided by the local education authority, in respect of the use by them of the school furniture out of school hours, and the local education authority in respect of the use by them of any room in the schoolhouse out of school hours, shall be liable to make good any damage caused to the furniture or the room, as the case may be, by reason of that use (other than damage arising from fair wear and tear), and the managers shall take care that, after the use of a room in the schoolhouse by them, the room is left in a proper condition for school purposes.

(3) If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the board of education.

(4) One of the conditions required to be fulfilled by an elementary school in order to obtain a parliamentary grant shall be that it is maintained under and complies with the provisions of this section.

(5) In public elementary schools maintained but not provided by the local education authority, assistant teachers and pupil teachers may be appointed, if it is thought fit, without reference to religious creed and denomination, and, in any case in which there are more candidates for the post of pupil teacher than there are places to be filled, the appointment shall be made by the local education authority, and they shall determine the respective qualifications of the candidates by examination or otherwise.

(6) Religious instruction given in a public elementary school not provided by the local education authority shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: *Provided*, That nothing in this subsection shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority, so far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed.

(7) The managers of a school maintained but not provided by the local education authority shall have all powers of management required for the purpose of carrying out this act, and shall (subject to the powers of the local education authority under this section) have the exclusive power of appointing and dismissing teachers.

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PART IV.—General.

17. (1) Any council having powers under this act shall establish an education committee or education committees, constituted in accordance with a scheme made by the council and approved by the board of education: *Provided*, That if a council having powers under Part II only of this act determine that an education committee is unnecessary in their case, it shall not be obligatory on them to establish such a committee.

(2) All matters relating to the exercise by the council of their powers under this act, except the power of raising a rate or borrowing money, shall stand referred to the education committee, and the council, before exercising such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question. The council may also delegate to the education committee, with or without any restrictions or conditions, as they think fit, any of their powers under this act, except the power of raising a rate or borrowing money.

(3) Every such scheme shall provide—

(a) for the appointment by the council of at least a majority of the committee, and the persons so appointed shall be persons who are members of the council, unless, in the case of a county, the council shall otherwise determine;

(b) for the appointment by the council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the council acts;

(c) for the inclusion of women as well as men among the members of the committee;

(d) for the appointment, if desirable, of members of school boards existing at the time of the passing of this act as members of the first committee.

(4) Any person shall be disqualified for being a member of an education committee, who, by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the education committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college, aided, provided, or maintained by the council.

(5) Any such scheme may, for all or any purposes of this act, provide for the constitution of a separate education committee for any area within a county, or for a joint education committee for any area formed by a combination of counties, boroughs, or urban districts, or of parts thereof. In the case of any such joint committee, it shall suffice that a majority of the members are appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed.

(6) Before approving a scheme, the board of education shall take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme, and, before approving any scheme which provides for the appointment of more than one education committee, shall satisfy themselves that due regard is paid to the importance of the general coordination of all forms of education.

(7) If a scheme under this section has not been made by a council and approved by the board of education within twelve months after the passing of this act, that board may, subject to the provisions of this act, make a provisional order for the purposes for which a scheme might have been made.

(8) Any scheme for establishing an education committee of the council of any county or county borough in Wales or of the county of Monmouth or county borough of Newport shall provide that the county governing body constituted under the Welsh intermediate education act, 1889, for any such county or county borough shall cease to exist, and shall make such provision as appears necessary or expedient for the transfer of the powers, duties, property, and liabilities of any such body to the local education authority under this act, and for making the provisions of this section applicable to the exercise by the local education authority of the powers so transferred.

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