

1874.
NEW ZEALAND.

UNIVERSITY OF NEW ZEALAND,

(PAPERS RELATIVE TO).

Presented to both Houses of the General Assembly by Command of His Excellency.

(EXTRACT from the JOURNALS of the HOUSE of REPRESENTATIVES.)

MONDAY, the 15th day of SEPTEMBER, 1873.

“Resolved, That, in the opinion of this House, it is desirable that, until reserves of an equal extent and value be made by the various Provinces throughout the Colony, the revenues derived from University Reserves in the respective Provinces shall be devoted to the promotion of superior education within those Provinces.”

A true extract.

J. STEVENSON,

(for the Clerk, House of Representatives).

(On the motion of Mr. T. Kelly.)

No. 1.

His Honor the SUPERINTENDENT, Otago, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Dunedin, 23rd October, 1873.

Referring to the resolution passed by the House of Representatives at its late Session, to the effect that, pending the whole of the Provinces throughout the Colony setting aside a due proportion of land by way of endowment to the New Zealand University, the lands at present reserved for this object should be applied towards the support of the higher branches of education within the respective Provinces in which such reserves have been made, I have the honor to request that the 10,000 acres reserve in the District of Southland may be at once utilized, and the proceeds handed over to the University of Otago.

I would venture to suggest that the Provincial Government be empowered to let the reserve in question for such period as the law will permit—the rent to be paid over to the Otago University Council, pending the matter being otherwise dealt with by the Legislature.

I may observe that the reserve alluded to is now yielding nothing to the State, and that, if let for a term of years, the proceeds would place the Otago University in a position to establish at least one other chair, probably Medicine and Anatomy.

I feel assured that the importance of this matter will commend itself to the early attention of His Excellency's Government.

I have, &c.,

J. MACANDREW,

Superintendent of Otago.

The Hon. the Colonial Secretary, Wellington.

No. 2.

The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Otago.

SIR,—

Colonial Secretary's Office, Wellington, 25th November, 1873.

I have the honor to acknowledge the receipt of your letter of the 23rd ultimo, having reference to a resolution of the House of Representatives, to the effect that the revenues derived from the University Reserves in the respective Provinces should be devoted to the promotion of superior education within those Provinces, and requesting that the 10,000 acres reserved in Southland may be at once utilized, and the proceeds handed over to the University of Otago.

The Government are advised that “The University Endowment Act, 1868,” authorizes only the expenditure of the proceeds—first, on the expenses of management; secondly, by investing such proceeds. No other application thereof being in accordance with law, the resolution of the House of Representatives has no legal operation, and the Government therefore find themselves unable to give effect to your Honor's request in this matter.

I have, &c.,

DANIEL POLLEN.

His Honor the Superintendent, Otago.

1 H.—3A.

No. 3.

His Honor the SUPERINTENDENT, Otago, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Dunedin, 15th December, 1873.

I have the honor to acknowledge the receipt of your letter, No. 327, of 25th November, 1873, intimating that the Government find themselves unable to give effect to my request, that the proceeds from the 10,000 acres of land reserved in Southland for Universities may be handed over to the University of Otago.

I have, &c.,

J. MACANDREW,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 4.

Mr. TANCRED to the Hon. the COLONIAL SECRETARY.

SIR,—

University of New Zealand, Christchurch, 31st December, 1873.

I have the honor to call your attention to a Proclamation in the *New Zealand Gazette*, No. 2, of January 9th, 1873, whereby certain lands are reserved and set apart for the purposes of an endowment for the University of New Zealand.

I would represent to you that it would be desirable that the Council of the University should be placed in a position to utilize these reserves; and I would therefore suggest the issue of a Crown grant for them, as there are applications which will be brought before the Council at the next meeting for leases of portions of them.

I have, &c.,

HENRY JOHN TANCRED,

Chancellor.

The Hon. the Colonial Secretary, Wellington.

No. 5.

The Hon. W. H. REYNOLDS to Mr. TANCRED.

SIR,—

Colonial Secretary's Office, Wellington, 15th April, 1874.

I have the honor to acknowledge the receipt of your letter of the 31st of December last, calling attention to a notice in the *New Zealand Gazette*, No. 2, of January 9, 1873, whereby certain lands are reserved and set apart for the purposes of an endowment for the Universities of New Zealand, and suggesting that, as it would be desirable that the Council of the University should be placed in a position to utilize these reserves, a Crown grant should be issued for them.

2. The Government have taken the advice of the law officers for their guidance in dealing with this matter, and I enclose for the information of the Council a copy of the opinion which has been given by the Attorney-General in relation to it.

I have, &c.,

WILLIAM H. REYNOLDS,

(in the absence of the Colonial Secretary).

H. J. Tancred, Esq.,

Chancellor of the New Zealand University, Wellington.

Enclosure in No. 5.

The ATTORNEY-GENERAL to the Hon. the COLONIAL SECRETARY.

WHAT Mr. Tancred refers to erroneously as a Proclamation, is a notice by the Hon. J. Hall, as Colonial Secretary.

The notice is given under the supposed powers of regulations made under the New Zealand Settlements Acts.

The regulations are those of May, 1871.

The 5th regulation authorizes "the Government" to make reserves "for roads and all other public purposes, and for education and the sites of churches."

The 6th regulation provides that a notice of all such reserves shall be published in the *New Zealand Gazette*.

The notice published is under this regulation.

The 7th regulation authorizes "the Government" to change the purpose of any reserve, or to withdraw the reserve.

Three months' notice of the intention to act under the power is to be given in the *Gazette*, and the change or withdrawal is to be effected by Order in Council.

So that, even assuming that these regulations authorized the making of a reserve for the endowment of the existing University, and that the reserve of the land in question had been duly made under these regulations, it is clear that the Governor in Council has power to withdraw the reservation.

Therefore, if it should appear that such reservation had erroneously been made for the existing University instead of a reserve for such University as should be specified by the Legislature as the object of the reserves made and authorized to be made by "The New Zealand University Endowment Act, 1868," as the Governor in Council has power to withdraw the reserves, he may be advised to rectify the error and withdraw the reserve altogether, or change the purpose thereof.

The lands in question, are:—

10,000 acres in Banks' County, Auckland.

10,000 acres in Rutland County, Auckland.

10,000 acres in Opotiki County, Auckland.

In 1868 the New Zealand University Endowment Act was passed, and that Act recites that certain lands specified in a schedule had been set aside for the endowment of a University, but that doubts were entertained of the validity of the reserves for the purpose, and that it was expedient to validate them, and authorizes reserves to be thereafter made for a like purpose.

The Act validates the reserves so made, and authorizes reserves of waste lands of the Crown to be made for a like purpose to a limited extent, not exceeding 10,000 acres in each Province.

The Act provides that the reserve shall be for the endowment of such University as the Legislature shall declare to be the University to be endowed thereby.

This Act therefore validates certain specified reserves, and authorizes reserves of "waste lands" of the Crown to be made.

As to reserves to be made, the Act does not apply to confiscated lands, for such lands are not "waste lands." The main and primary object of the Act was to enable the Governor to make reserves of "waste lands" for the endowment of an University, though none then existed; for the endowment even of an existing institution was not within the powers held by the Governor over waste lands of the Crown.

But amongst the lands specified in the Schedule as having already been made is a block of 10,000 acres of confiscated land in the Province of Auckland.

The land is not more definitely described; but Mr. Masters states (*see* his Memo. Feb. 24th, 1874) that this block of 10,000 acres is one of the blocks of 10,000 acres specified in the notice of the Hon. J. Hall, referred to by Mr. Tancred. Mr. Masters is not clear on this subject; but assuming him to be correct, then that block was, at the time of Mr. Hall's notice, a reserve for an University to be specified by the Legislature, not by the Governor or his Ministers. If Mr. Masters is correct, then as to the 10,000 acres the effect of Mr. Hall's notice would have been to divert from the purpose fixed by the Legislature that reserve. However, I believe that examination proves that the notice was issued in error, not only as to the 10,000 acres, but also as to the other two blocks of 10,000 acres.

On the 3rd June, 1871, the Under Secretary wrote on behalf of the Colonial Secretary to Dr. Pollen, enclosing description of these three blocks, describing them as reserved or intended to be reserved under "The New Zealand University Endowment Act, 1868," and requesting to have them properly surveyed, &c., so as that they might be effectually reserved in the manner required by law.

On 28th August, 1871, Dr. Pollen wrote stating that he had caused the proposed reserves to be marked off, and he sent plans, &c., of these reserves.

This correspondence was laid on the table of the Legislative Council in the Session of 1872, as a Return to an Order made on motion of Mr. Stokes.

In the preceding Session, Mr. Stokes moved for a Return of Reserves made for the Colonial University, and whether any, and if so which, had been granted by the Crown, and what steps taken for carrying out the provisions of "The University Act, 1868."

Mr. Stokes meant, no doubt, "The New Zealand University Endowment Act, 1868." (See letter of Major Richardson to Mr. Sewell, 71-3131.)

An order was made for the return, and in this return, made by Mr. Joshua Strange Williams as Secretary for Crown Lands, there are mentioned these three blocks of land, together with all other reserves made under "The Endowment Act, 1868." At the foot of the return it is stated as follows:—

"By 'The University Endowment Act, 1868,' lands reserved under its provisions remain vested in the Crown until the application of the same has been determined by the General Assembly. No Act has yet been passed determining the application, and consequently Crown grants have not been issued."

It is clear, therefore, from the correspondence between Mr. Gisborne and Dr. Pollen, and the return just mentioned, and other evidence, that there was no intention to treat these sections of land otherwise than as reserved under "The University Endowment Act, 1868;" that is, as endowment for such University as should thereafter be expressly named by the Legislature as the object of the endowments.

The error originated in the supposition of Mr. Hall that the reserves were for the endowment of the existing University. This error was not an unlikely one to fall into, because it is clear from the proceedings in connection with the attempts to unite this University and the Otago University, it was supposed that, if the union were effected, the existing University would obtain the endowment.

On Mr. Tancred applying by letter, in December, 1873, for power to the University to deal with these lands, the subject came up for consideration, and not only was the error above mentioned disclosed, but it also appeared that two out of these reserves had not been properly made.

"The New Zealand Settlements Act, 1866," expressly authorized the making of reserves of confiscated lands for such purposes as "The Waste Lands Act, 1858," authorized the Governor to reserve waste lands. These purposes did not include endowment of any institution, whether educational or otherwise.

"The Confiscated Lands Act, 1867," authorized the Governor, by Proclamation, to make reserves for endowment of educational institutions; but that such reserves should be made generally, and be appropriated to special purposes only by Act of Assembly.

No proclamation has been made under this section of these lands; and if such had been made, it will be observed that an Act of Assembly would be required in order to appropriate the land as a reserve for the existing University. But the regulations of 1871, already referred to, for the sale and disposal of confiscated land, do affect to authorize the reservation of lands "for education," and it was under these regulations that Mr. Hall issued his notice. I think it clear that the regulations would be *ultra vires* if the true construction of them is to purport to authorize the endowment of any educational institutions; for "The New Zealand Settlements Act, 1866," and "The Confiscated Land Act, 1867," are quite inconsistent with such a power.

Consequently, I am of opinion that no valid reserve has been made of two of the blocks for any University; that as to these two, there is a clear intention to reserve them for the same University which shall be declared to be the object of the reserves made under "The University Endowment Act, 1868." That as to these two and the third, (that one specified in the Schedule to "The Endowment

Act, 1868,") as hitherto the existing University has not been declared to be the object of the reserves made under the Endowment Act, it has no claim to the management of or the proceeds from these lands, nor any lands reserved under the Endowment Act of 1868.

April 13, 1874.

JAMES PRENDERGAST.

No. 6.

Mr. TANCRED to the Hon. the COLONIAL SECRETARY.

SIR,—

University of New Zealand, Wellington, 10th April, 1874.

I have the honor, by direction of the Council of this University, to request that you will obtain from the Attorney-General an opinion on the following question:—Whether section 5 of the University Act, taken in connection with the rest of the Act, obliges the Council, when thirty graduates shall have been admitted to the University, to report accordingly to the Governor, either immediately or at any special time; or, whether the Council remain at liberty to postpone such report until such time as it shall seem to them expedient to make it?

I have, &c.,

HENRY JOHN TANCRED,
Chancellor.

The Hon. the Colonial Secretary, Wellington.

No. 7.

The Hon. W. H. REYNOLDS to Mr. TANCRED.

SIR,—

Colonial Secretary's Office, Wellington, 17th April, 1874.

I have the honor to acknowledge the receipt of your letter of the 10th April, 1874, and, in reply, to inform you that the Attorney-General is of opinion that it is the duty of the Council to report to the Governor, without delay, after thirty persons have been admitted to degrees.

I have, &c.,

WILLIAM H. REYNOLDS,
(in the absence of the Colonial Secretary).

H. J. Tancred, Esq.,

Chancellor of the New Zealand University, Wellington.

No. 8.

Mr. TANCRED to the Hon. the COLONIAL SECRETARY.

SIR,—

University of New Zealand, Wellington, 17th April, 1874.

I have the honor, in accordance with the arrangement come to this day between yourself and a deputation consisting of members of the Council of this University, and representatives of the University of Otago and of the Canterbury College, to transmit to you the following documents for the consideration of the Government:—

1. Draft Bill for the reconstitution of the University of New Zealand.
2. Memorandum explanatory of the objects sought to be obtained by the enactment of the proposed measure.
3. Calendar of the London University, containing the charter of that body. The three institutions above mentioned have themselves, or through those authorized to represent them, directed me to request the Government to promote and actively support at the next sitting of the General Assembly, a Bill which will give effect to the objects contemplated in the enclosed draft.

I am also directed to suggest that this draft be submitted to the Attorney-General, with a view to ascertain whether it carries out the objects as stated in the enclosed memorandum, and to request that the Attorney-General be instructed to settle the Bill in cases where the drafting appears to him incorrect or insufficient for the purpose.

The Council and the Representatives will meet on Monday next, the 20th instant, at noon; and it would be very convenient if they could then receive the views of the Government on the principles involved, as well as any remarks of the Attorney-General.

I have, &c.,

HENRY JOHN TANCRED,
Chancellor.

The Hon. the Premier, Wellington.

Enclosure 1 in No. 8.

(Draft as agreed upon by Council and Delegates from Otago and Canterbury.)

NEW ZEALAND UNIVERSITY.

WHEREAS an Act intituled "The New Zealand University Act, 1870," was passed by the General Assembly of New Zealand to promote sound learning in the Colony of New Zealand, and with that intent to establish and incorporate a University within the said Colony, having perpetual succession and a common seal: And whereas a University was established under the said Act, and certain persons were appointed to be a Council by the Governor in Council, and the said Council has adopted a common seal, and made statutes and regulations for the conduct of the business of the University, and has

held examinations and performed other duties within their authority : And whereas the provisions of the said recited Act have not been found sufficient or satisfactory, and it is expedient to repeal the same, and to amend the law made on that behalf :

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited for all purposes as “The New Zealand University Act, 1874.”

2. “The New Zealand University Act, 1870,” is hereby repealed.

3. All statutes and regulations made by the University created by the University Act, 1870, in force at or immediately before the passing of this Act, shall, until they be altered or repealed, remain in force as statutes and regulations of the University as constituted by this Act ; and all engagements entered into, and all business transacted by the University created under the said Act of 1870, shall remain unimpaired, as though the Act of 1870 were not repealed.

4. The body corporate established under the name of “The University of New Zealand,” shall, any alteration made by this Act in the constitution of the said body corporate notwithstanding, remain and be the University of New Zealand, and shall be a body politic and corporate by that name, and by that name shall have perpetual succession, and shall have a common seal, that is to say, the Common Seal of the University constituted by the University Act, 1870, and shall by the same name sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts of the said Colony, and shall be capable in law to take purchase and hold all goods chattels and personal property whatsoever, and shall also be able and capable in law to receive take purchase and hold for ever, not only such lands buildings hereditaments and possessions as may from time to time be exclusively used and occupied by the said University for its immediate requirements, but also any other lands buildings hereditaments and possessions whatsoever situate in the said Colony or elsewhere, and shall be able and capable in law to grant demise alienate or otherwise dispose of all or any of the property, real or personal, belonging to the said University, and also to do all other matters and things incidental or appertaining to a body politic. Any property, real or personal, of which the University as constituted under “The New Zealand University Act, 1870,” is seized at the time of the passing of this Act, shall be the property of the University as constituted under this Act : Provided always that until the Convocation of the said University shall have been constituted as herein enacted, the said body politic and corporate shall consist of the Senate to be nominated and appointed by the Governor in Council as hereinafter mentioned : Provided further that it shall not be lawful for the said University to alienate mortgage charge or demise any lands tenements or hereditaments of which it shall become seized, or to which it may become entitled by grant purchase or otherwise, unless with the approval of the Governor in Council for the time being, except by way of lease for any term not exceeding twenty-one years for rural lands and sixty years for building land from the time when such lease shall be made, and in and by such lease there shall be the highest rent that can be reasonably obtained for the lands tenements and hereditaments expressed to be thereby demised without fine.

5. The University of New Zealand shall hereafter consist of a Chancellor, a Vice-Chancellor, Fellows, and Graduates. There shall be twenty-four Fellows, including the Chancellor and Vice-Chancellor. The Fellows shall be appointed, in the first instance, by the Governor in Council. The Graduates shall be the persons on whom the University has conferred or shall hereafter confer degrees.

6. The business of the University shall be conducted by two Courts, the Senate and the Convocation.

7. The Senate shall consist of the twenty-four Fellows aforesaid, and shall elect out of their own body a Chancellor and Vice-Chancellor for such period respectively, not exceeding in either case five years, as the said Senate shall fix and determine ; and whenever a vacancy shall occur in the office of Chancellor or Vice-Chancellor, either by death resignation or expiration of tenure or otherwise, the said Senate shall elect out of their own body a Chancellor or Vice-Chancellor, as the case may be : and all vacancies which shall occur in the said Senate, by death resignation or otherwise, shall be filled as they occur by the election of such persons as the Senate and Convocation alternately shall choose, subject to the approval of the Governor in Council—that is to say, that the Senate shall proceed to fill up by election the first vacancy that may occur, and subsequently every alternate vacancy ; and the Convocation shall proceed to fill up the second vacancy, and every alternate vacancy after the second, as hereinafter provided : Provided always that until a Convocation shall be duly constituted as hereinafter provided, the Senate shall elect Fellows to fill all vacancies by death resignation or otherwise.

8. The following Graduates of the University for the time being shall constitute the Convocation of the University—that is to say, all Graduates above the degree of Bachelor, and all Bachelors of two years' standing ; and the Convocation shall be constituted so soon as the number of Graduates admitted upon examination, and who shall be qualified as aforesaid, shall amount to thirty.

9. A register of the Graduates constituting for the time being the Convocation of the said University, shall be kept by such officer, and in such manner as the Senate of the said University shall from time to time appoint and direct, which register shall be conclusive evidence that any person whose name shall appear thereon at the time of his claiming to vote in Convocation is so entitled to vote. And such Graduates shall pay such reasonable annual fees in that behalf as the Senate shall from time to time direct.

10. The Senate shall have the entire management of and superintendence over the affairs concerns and property of the University ; and in all cases unprovided for in this Act, it shall be lawful for the Senate to act in such manner as shall appear best calculated to promote the purposes intended by the University. And the said Senate shall have full power to make and alter any statutes and regulations touching the examination for degrees, and the granting of the same, and touching the mode and time of convening the meetings of the Senate and the meetings of the Convocation, and in general touching all other matters whatsoever regarding the University, not otherwise especially provided for by this Act. And all such statutes and regulations, when reduced into writing, and after the Common Seal of the University shall be affixed thereto, shall be binding upon all members thereof, and all candidates for degrees to be conferred by the same : Provided always that it shall not be lawful for the said Senate to

impose on any person any compulsory religious examination or test. The production of a verified copy of any such statutes and regulations under the said seal shall be sufficient evidence of the authenticity of the same in all Courts of justice.

11. All questions which shall come before the Senate shall be decided by the majority of the members present or voting by proxy as hereinafter provided; and the Chairman at any such meeting shall have a vote, and, in case of equality of votes, a second or casting vote. No question shall be decided at any meeting unless five Fellows shall be present at the time of such decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; or in the absence of both, a Chairman shall be chosen by the members present or the major part of them.

12. The Senate shall have full power from time to time to appoint, and as they shall see occasion to remove, all examiners, officers, and servants of the said University: Provided that such power may be delegated to the Chancellor or Vice-Chancellor by resolution of the Senate.

13. The Seal of the University shall be intrusted to the Chancellor, and shall not be affixed to any document except by order of the Senate.

14. The Senate shall meet at least once in every year, at such time and place as shall be determined by the Senate at its last meeting, such place of meeting to vary from year to year; and any Fellow who shall fail to attend at two consecutive annual meetings shall cease to be a Fellow of the University, and the Senate or Convocation, as the case may be, shall proceed to elect a Fellow to fill the vacancy, as hereinbefore provided. The Governor in Council shall determine the time and place for the first meeting of the Senate.

15. The Convocation of the University shall have the powers following—that is to say: The power of electing a Fellow in the event of every second vacancy in the Senate by death resignation or otherwise. The power of discussing any matter whatsoever relating to the University, and of declaring the opinion of Convocation in any such matter. The power of accepting any charter for the University, or consenting to the surrender of such charter: Provided nevertheless that the consent of the Senate shall be also requisite for the acceptance or surrender of any such charter. The power of deciding on the mode of conducting and registering the proceedings of Convocation. The power of appointing and removing a Clerk of Convocation, and of prescribing his duties. Nothing in this clause contained shall be held to restrain the Senate from accepting or surrendering any charter before Convocation shall have been constituted as hereinbefore provided.

16. The Senate shall convene a meeting of Convocation whenever a vacancy shall occur in the Senate requiring election by Convocation as hereinbefore provided, or at any other time when the Senate may think fit, or when twenty or more members of Convocation shall by writing under their hands require that such meeting shall be called.

17. The Senate shall determine where the Convocation is to meet, and shall provide a proper place for such meeting. Convocation shall not be convened twice consecutively in the same town. The proceedings of any meeting of Convocation shall be transmitted to the Senate, if then sitting, and if not, to the Senate at its next meeting.

18. Notice of the meeting of Convocation shall be given by advertisement, or in such other manner as the Senate shall from time to time determine, whenever a vacancy or vacancies shall occur in the Senate requiring as hereinbefore provided the election of a Fellow or Fellows by Convocation. The Senate shall, as soon thereafter as conveniently may be, convene a meeting of Convocation; and such meeting shall proceed to elect some person or persons to be a Fellow or Fellows, and such person or persons so elected shall be a Fellow or Fellows of the University, subject to the approval of the Governor in Council. Should Convocation fail to elect within one month from the date for which it may have been convened a person to fill a vacancy in the Senate, the Senate shall fill up the vacancy.

19. A person shall be appointed by the Senate to preside at the first meeting of Convocation, and at such meeting a standing Chairman of Convocation shall be chosen by the members present or voting by proxy as hereinafter provided, or the major part of them. The Chairman shall hold office for three years, and shall be eligible for re-election. Should the Chairman be absent at any meeting, the majority of members present shall elect a Chairman, who shall hold office during such meeting only. On the office of Chairman becoming vacant by effluxion of time death resignation or otherwise, Convocation shall proceed to elect a Chairman as hereinbefore provided. All questions shall be decided by the majority of persons present or voting by proxy, as hereinafter provided; and the Chairman at any meeting shall have a vote, and, in case of equality of votes, a second or casting vote. No question shall be decided at any meeting of Convocation unless one-fourth of the members at least shall be present: Provided that twenty members shall in any case constitute a quorum. Any meeting of Convocation shall have power to adjourn to a future day.

20. In the event of any member of the Senate or Convocation being unable to attend at any meeting of the said Senate or Convocation respectively, such member may exercise his right of voting, either by letter addressed to the Chancellor or Vice-Chancellor, or by a proxy duly named by him in that behalf, in such manner as shall be fixed by any regulation to be made hereunder.

21. Once at least in every year, the Senate shall cause to be held an examination of candidates for degrees; and on every such examination the candidates shall be examined by Examiners appointed for the purpose by the Senate; and on every such examination the candidates shall be examined in as many branches of general knowledge as the Senate shall consider the most fitting subjects of such examination: Provided always that no Examiner shall be eligible for re-election more than four years consecutively.

22. All institutions affiliated to the New Zealand University established under the "The New Zealand University Act, 1870," shall be taken and deemed to be affiliated to the University as constituted under this Act; and it shall be lawful for the Senate to make alter or amend any statutes for the affiliation to or connection with the same of any college or educational establishment in the Colony to which the governing body of such college or establishment may consent: Provided always that no such statutes shall affect the religious observances or regulations enforced in such colleges and educational establishments.

23. The said Senate shall have power, after examination, to confer the several degrees of Bachelor, Master, and Doctor, in Arts, Law, Science, Medicine, Music, and also in such other departments of knowledge, except Theology, as the said Senate, by statutes and regulations in that behalf, shall from time to time determine, and such reasonable fees shall be charged for the degrees so conferred as the Senate shall from time to time direct.

24. The Senate shall have power to confer any of the said degrees as *Ad Eundem* Degrees. And all degrees so conferred by the University of New Zealand established under "The New Zealand University Act, 1870," shall be taken and deemed to have been conferred by the University as constituted by this Act. But no *Ad Eundem* Degree shall, without the consent of Convocation in each case, entitle the holder thereof to be or become a member of Convocation.

25. The said Senate shall have power, after examination, to grant certificates of proficiency in such branches of knowledge as the said Senate shall from time to time, by statute or regulation made in that behalf, determine: And in addition to the examination of candidates for degrees, the Senate may cause from time to time to be held examinations of persons who shall have prosecuted the study of such branches of knowledge, and who shall be candidates for such certificates of proficiency as aforesaid; and on every such examination the candidates shall be examined by Examiners appointed by the said Senate. And every such candidate as shall be declared by the Examiners to be entitled to receive such certificate, shall receive from the Chancellor, or in his absence the Vice-Chancellor, a certificate under the seal of the University, and such reasonable fees shall be charged for such certificates as the Senate may from time to time direct.

26. All fees shall be carried to one General Fee Fund for the payment of the expenses of the said University, and shall be accounted for as part of the revenue of the said University.

27. The Colonial Treasurer shall every year pay out of the Consolidated Revenue the sum of three thousand pounds as a fund for maintaining the said University, and towards defraying the several stipends which may be appointed to be paid to the several officers and servants to be appointed by such University, and towards paying the expenses of such scholarships, prizes, and exhibitions as shall be awarded for the encouragement of students in such University, and towards providing a library for the same, and towards discharging all necessary charges connected with the management thereof: Provided that the annual grants made to the affiliated institutions at Wellington, Auckland, and Nelson, may be continued for a period not exceeding three years from the date of the passing of this Act, and that, excepting such annual grants for the three years aforesaid, no grants shall be made out of the said sum of three thousand pounds by way of subsidy to any affiliated institution.

28. The said Senate shall, during the month of April in every year, report the proceedings of the University during the previous year to the Governor, and such report shall contain a full account of the income and expenditure of the said University, audited in such a manner as the Governor may direct; and a copy of every such report, and of all the statutes and regulations of the University, shall be laid in each year before the General Assembly.

29. The Governor of the Colony for the time being shall be the Visitor of the said University, and shall have authority to do all things which appertain to Visitors in such manner as shall be from time to time directed by the Governor, with the approval of the Senate of the said University.

30. The powers vested in the Council, Chancellor, and Vice-Chancellor of the University, as constituted under "The New Zealand Act, 1870," shall remain in force, anything in this Act notwithstanding, until the Senate of the University, as constituted under this Act, shall have been duly constituted and convened by the Governor in Council.

Enclosure 2 in No. 8.

MEMORANDUM.

THE objects sought to be obtained by the Bill are,—

1. To establish a University on the model of the London University, adapted to the circumstances of the Colony.

2. To make the University an examining and not a teaching body.

In the opinion of the Council and Representatives, it is desirable to secure this, not by direct prohibitory enactment, but by not taking power to discharge teaching functions.

3. To continue for a limited time the subsidies to certain specified institutions.

4. To retain in force everything done, and every obligation incurred by the Council as at present constituted, until altered by the Senate to be constituted by the proposed measure.

No. 9.

The Hon. J. VOGEL to Mr. TANCRED.

SIR,—

General Government Offices, Wellington, 18th April, 1874.

I have just (1.20 p.m.) received your letter of yesterday's date, enclosing certain documents, as to which you state that it will be convenient to obtain the opinion of the Government before twelve o'clock on Monday, and also to have the opinion of the Attorney-General upon certain points. I am afraid that the time is too limited to enable me to comply with your request.

The Attorney-General is in Court to-day, and I believe he will be so on Monday. I will, however, send the papers to him, and will ask him if he can manage to look through them at once.

Without the Attorney-General's opinion, it would be impossible for the Government to come to any immediate conclusion. I wish you, however, to understand that I am anxious to meet your wishes.

I am sending the papers at once to the Attorney-General, with an expression of the hope that he will be able to attend to them; and on Tuesday morning I will bring the matter under the notice of the Cabinet.

H. J. Tancred, Esq., Chancellor, University of New Zealand.

I have, &c.,
JULIUS VOGEL.

No. 10.

The Hon. W. H. REYNOLDS to Mr. TANCRED.

SIR,—

Colonial Secretary's Office, Wellington, 21st April, 1874.

Adverting to your letter of the 17th instant, addressed to the Premier, in which you enclose the draft of a new University Bill, I have the honor to inform you that the Cabinet have taken your letter and its enclosures into consideration.

2. The Cabinet are generally favourable to the Bill, subject to consideration of the suggestions which have been made for its amendment by the Attorney-General, a copy of which I enclose for the information of the Council, and on the understanding that the reserves which have been set apart for University purposes will not belong to the now proposed University, the Cabinet being of opinion that the endowments were intended for teaching bodies, and not for a merely examining body.

3. Owing to the absence of two members of the Government, the Cabinet reserve the right of further consideration, but they have no reason to expect that the decision will be other than that now indicated.

4. It must, however, be remembered, in respect to details, that the Government have not had time to give them that close consideration which the importance of the subject demands, owing to the pressure for so early a reply to your letter.

H. J. Tancred, Esq., Chancellor of the
New Zealand University, Wellington.

I have, &c.,
WILLIAM H. REYNOLDS.

Enclosure in No. 10.

NEW ZEALAND UNIVERSITY BILL.

Clause 3.—Not technically expressed, but can be easily improved so as to include debts and degrees given, and other matters.

Clause 4.—All debts, &c., of existing University to be paid by new University. All degrees given by existing to be degrees in new University.

Clause 5.—Should not the first Fellows be the existing Council? Is it proper to repeal the Act, and thus oust them?

Clause 6.—This is a bad provision. The business is to be conducted by the Senate; the powers of Convocation are very limited. (See clause 15.)

Clause 7.—The Chancellor, &c., of existing University should be first Chancellor, &c.

Chancellors are generally appointed by the Crown or elected by Graduates; usually some distinguished persons; not necessarily a member of the Senate. This Bill makes the office elective by the Fellows. *Quære*: Provision for Deputies.

The office of Vice-Chancellor is generally annual; that of Chancellor for life. This Act makes them both for five years.

Last Part of Section 7.—I suppose this applies to the offices of Chancellor and Vice; or is it meant to apply to vacancies in Fellowships?

Clause 9.—Concurrence of Convocation as to fees is required in the London Charter.

By-laws needed for taking off names and reinstating.

Clause 10.—In London Charters, all by-laws, &c., have first to be approved by Government.

"Verified"—this should not be required.

Clause 12.—*At end of clause add*, "subject to or without restriction, and such delegation may in like manner be revoked."

Clause 15.—Provision omitted, that in other matters (than those mentioned) Convocation not to interfere.

Clause 16.—*Quære*: Chairman of Convocation to call meetings at request of twenty?

Clause 18.—Notice should be at least two months. This provides for approval of Governor in case of election by Convocation, but not in case of election by Senate. Is this right?

Clause 19.—Chairman of Convocation absent at any meeting, *or office vacant*.

Provision required for electing in anticipation of expiration of time.

After words "All questions," add "in Convocation."

Convocation electing a Chairman.—Is this to be a special meeting for purpose, or may it be at any meeting for any purpose (sec. 28 of charter)?

Provision for remaining in office till election of successor required.

Clause 20.—Should not the letter, in the case of the Convocation, be addressed to the Clerk of Convocation or Chairman?

Clause 21.—Are Fellows to be eligible for office of Examiners?

Clause 22.—Consent of Governor should be required.

Object or effect of affiliation not specified; it should be. (See Charter, end of sec. 34.)

Clause 23.—Provision required for declaration by Examiner as to candidate being entitled to degrees, together with particulars, &c., and for certificates, &c.

Provision required for power to admit to matriculation and to confer degrees on persons not educated in any affiliated institution. (See Charter, sec. 36.)

Quære: Control by Government as to fees?

Medical Degrees.—A very important provision omitted with regard to medical degrees (see clause 37). Government ought to have some control as to this matter. As to music, science, and even law, they do not so much affect the public.

Clause 25.—Examiners to declare whether entitled, and particulars, and as to certificate.

Clause 26.—Approbation of Government as to fees.

Clause 27.—Insert the word "Examiners" before "officers" in 4th line.

After the word "of," in 7th line, insert "students being matriculated members of." Omit the word "students in" in the same line.

Omit the word "thereof" in 9th line, and insert in lieu thereof "of the University."

After word "made" in 10th line, insert the words "or agreed to be made by the University established under the said Act."

Omit the words "by way of subsidy," last two lines.

The word "students" should not be used.

Why a library? if there is to be no teaching and no locality.

Clause 30.—*Quære*: "The New Zealand Act, 1870," should be "The New Zealand University Act, 1870."

No. 11.

MR. TANCRED to the Hon. the COLONIAL SECRETARY.

SIR,—

University of New Zealand, Wellington, 25th April, 1874.

I have the honor to acknowledge your letter of the 21st instant, enclosing remarks by the Attorney-General upon the draft of a Bill enclosed in my letter of the 17th instant, as agreed to by gentlemen authorized to confer with the Council, and to represent the University of Otago and the Canterbury College.

The Council, in conference with the representatives of these two bodies, have carefully considered your letter together with its enclosures, and have directed me to answer as follows on the points raised by the Attorney-General.

Generally, I am directed to state that the intention of the Council and Representatives, in drafting the Bill, was to draw up a skeleton measure which should leave details to be provided for by means of statutes and regulations of the Senate, and in certain cases of Convocation.

It was not thought desirable that provisions should be introduced into a permanent Act which bound the University by technical obligations which might in the working prove inconvenient.

With regard to the particular amendments proposed by the Attorney-General, I am directed to reply as follows, taking the clauses of the Bill *seriatim* with the remarks made:—

Clause 3.—Amendment proposed agreed to.

Clause 4.—Amendment proposed agreed to.

Clause 5.—The opinions on the proposed amendments were divided, but the Conference is willing to adopt the amendment.

Clause 6.—It is thought desirable that the business should be conducted principally by the Senate, and that the powers of Convocation should be limited to certain specified functions, otherwise the Act would be practically unworkable, and entail an unnecessary expense on the University. It is thought—

1st. That so large a body as Convocation, could not easily be called together with sufficient frequency to enable it properly to transact the ordinary business of the University.

2nd. That frequent meetings could not be held without a disproportionate expenditure of University funds.

The Conference recommend the adoption of the following clause, or one to the like effect, viz.,—

"There shall be two Courts in the University, the Senate and the Convocation, having respectively the powers hereinafter conferred."

Clause 7.—The provisions of the Act of 1870 are here retained. The Representatives understood from Mr. Vogel that the Government desired to be relieved of as much responsibility as possible. For some years, the Chancellor must be a working member of the Senate. The period of office, both of Chancellor and Vice-Chancellor, has been fixed at not more than five years respectively. There is nothing to prevent a different term of office being fixed for each. It is proposed to determine the term of office by regulations. The Senate will always elect its own Chancellor and Vice-Chancellor, even after Convocation has been constituted; but the election of new Fellows shall be made alternately by Senate and Convocation.

Clause 9.—It appears both inconvenient and expensive to refer such a question as that of fees to Convocation. Statutes or by-laws would be made on this subject.

Clause 10.—The necessity for awaiting the Governor's approval before statutes or regulations acquire force has been found a great practical hindrance to the University work. It is proposed that statutes and regulations passed by the Senate should be in force from the time of their being passed; but if the Government insist upon retaining powers of control, the power of veto in the Governor is not objected to.

The word "verified" should be struck out.

Clause 12.—Amendment agreed to.

Clause 15.—Suggestion agreed to, and the Attorney-General is requested to insert the exact words required.

Clause 16.—It is thought that the adoption of this suggestion would cause inconvenience in the present circumstances of the Colony. Moreover, it is not proposed that the Chairman of Convocation should perform any special duties out of Session.

Clause 18.—This, it is thought, would be better settled by statutes and regulations. The election by Convocation and Senate should be placed on the same footing.

Clause 19.—It is not proposed that special meetings should be held. The other suggestions are left to the judgment of the Attorney-General.

Clause 20.—It appears preferable to retain this provision, the Chancellor being better known and more likely to take an interest in the affairs of the University. As already stated, it is intended that the Chairman of Convocation shall not have any duties to perform except when Convocation is in session.

Clause 21.—This question was carefully considered when the Bill was being drafted, and the conclusion arrived at was, that the question of the appointment of Examiners should be left open in the Act, and that any restrictions should be effected by statutes or regulations. At present, the University could not afford to be too strict.

Clause 22.—The amendment proposed appears to the Conference very objectionable, as it would be the special business of the University to make itself acquainted with the capabilities of the various institutions in the Colony. The Colonial Government cannot be supposed to have a very intimate acquaintance with these matters.

It is thought better to fix the object and effect of affiliation rather by statute and regulation than by the Act itself.

It is not attempted to define affiliation in the Act of 1870.

Clause 23.—Here, again, it is thought better to leave the determination of these questions to the University itself. It is so left in the Act of 1870. Power to grant degrees has been intentionally left as open as possible.

As regards medical degrees, it is not likely that these will be granted after examination for many years; and even if granted, they would not, it is understood, under the present state of the law, give a right to practise in New Zealand. The Colonial Government, it is believed, has powers of control in this matter under other Acts bearing upon this subject.

Clause 25.—The particular course to be pursued, and the particular safeguards required, should, it is thought, be left to the University.

Clause 26.—It is thought in the highest degree objectionable that the Government should interfere with the disposal of the fees beyond requiring an account.

Clause 27.—The Conference agrees to the verbal amendments proposed.

With regard to the provision for a library, the University will require to have the power of expending money in procuring text-books and various other books. The books so acquired need not be called a library, but no better designation for what was intended occurred to the Conference.

Clause 30.—The omission of the word "University" was a clerical error. It should have been "The New Zealand University Act, 1870."

I have, &c.,

HENRY JOHN TANCRED,
Chancellor.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1874.

[Price 9d.]