

P A P E R S

RELATIVE TO THE

ESTABLISHMENT OF THE NEW ZEALAND
UNIVERSITY.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1871.

PAPERS RELATIVE TO THE ESTABLISHMENT OF THE NEW ZEALAND UNIVERSITY.

No. 1.

His Honor J. MACANDREW to the Hon. W. GISBORNE.

SIR,—

Superintendent's Office, Dunedin, 2nd January, 1871.

I have the honor to forward copy of a resolution passed by the Provincial Council of Otago, at its last Session, upon the subject of the desirability of the amalgamation of the Otago University with the University of New Zealand.

I may observe that three Professors have been already appointed to the Otago University, who are on their way from England, and a fourth (Mineralogy and Chemistry) is about to be appointed. I need scarcely add the expression of my earnest hope that the proposed amalgamation may be effected within the period prescribed by the Act of Assembly.

I have, &c.,

J. MACANDREW,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

Enclosure in No. 1.

RESOLUTION of Otago Provincial Council.—Otago University.

THAT in the opinion of this Council it is highly desirable that the seat of the University of New Zealand should be in Dunedin, with which view this Council expresses its earnest hope that the Otago University Council may endeavour to facilitate a union of the proposed New Zealand University with the Otago University, provided the large endowments of Otago are secured unalienably to a University in Otago, and provided also that the members of Council resident in Otago are sufficient in number to insure a prompt and vigorous administration of its affairs; that this Council desires to place on record its approval of the action by the Council of the Otago University when the proposal for amalgamation with the New Zealand University was recently under consideration; and that His Honor the Superintendent be requested to transmit a copy of this resolution to the General Government and the Chancellor of the University of Otago.

Passed the Provincial Council, December 6th, 1870.

WILLIAM H. REYNOLDS, Speaker.

CHAS. SMITH, Clerk of Council.

No. 2.

The Hon. W. GISBORNE to His Honor J. MACANDREW.

SIR,—

Colonial Secretary's Office, Wellington, 11th January, 1871.

I have the honor to acknowledge the receipt of your letter of the 2nd instant, enclosing copy of a resolution of the Otago Provincial Council on the subject of the desirability of amalgamating the Otago University with the University of New Zealand.

In reply, I have to inform your Honor that the list of persons willing to be appointed to the Council of the New Zealand University is all but complete, and will be published as soon as possible; and that future arrangements, which I trust may be satisfactory, will rest with that Council and the Council of the University of Otago.

The Government will be glad, as far as lies in their power, to facilitate these arrangements.

I have, &c.,

W. GISBORNE.

His Honor the Superintendent, Otago.

No. 3.

EXTRACT from the *New Zealand Gazette* of 18th February, 1871.

G. F. BOWEN, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this third day of February, 1871.

Present:—His Excellency the Governor in Council.

WHEREAS by the second section of "The New Zealand University Act, 1870," it is enacted that a University consisting of a Council and Senate shall be established, and, when duly constituted and appointed according to the provisions of the said Act, shall be a body politic and corporate by the name of "The University of New Zealand," and by that name shall have perpetual succession, and shall adopt and have a Common Seal, 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: Provided always that, until the Senate of the said University shall have been constituted as is therein enacted, the said body politic and corporate shall consist of the Council to be nominated and appointed by the Governor in Council as hereinafter mentioned:

And whereas by the third section of the said Act it is enacted that the Council of the said University shall be nominated and appointed by the Governor in Council within six months after the passing of the said Act, and shall consist of twenty Councillors, of whom twelve at least shall be laymen:

Now therefore, His Excellency Sir George Ferguson Bowen, the Governor of New Zealand, with the advice and consent of the Executive Council of the said Colony, in exercise and pursuance of the powers and authorities vested in him by the said Act, doth hereby nominate and appoint

Sir George Alfred Arney, Chief Justice, Auckland;
 The Right Reverend Dr. Croke, Roman Catholic Bishop, Auckland;
 Hugh Carleton, Esq., Auckland;
 The Honorable Robert Stokes, M.L.C., Wellington;
 The Honorable Morgan Stanislaus Grace, M.D., M.L.C., Wellington;
 The Honorable William Fitzherbert, Wellington;
 The Reverend Thomas Buddle, Wellington;
 James Hector, Esq., M.D., F.R.S., Wellington;
 His Honor Oswald Curtis, Nelson;
 The Honorable Edward William Stafford, Nelson;
 The Right Reverend Henry John Chitty Harper, Bishop of Christchurch, Canterbury;
 Henry John Tancred, Esq., Canterbury;
 The Honorable John Barton Arundel Acland, M.L.C., Canterbury;
 His Honor William Rolleston, Canterbury;
 His Honor Henry Samuel Chapman, Judge, Otago;
 His Honor James Macandrew, Otago;
 The Honorable Captain Thomas Fraser, M.L.C., Otago;
 The Honorable Henry John Miller, M.L.C., Otago;
 The Honorable Robert Campbell, M.L.C., Otago;
 The Reverend William Johnston, Otago;

to be the Council of "The University of New Zealand," under the provisions of the said Act.

FORSTER GORING,
 Clerk of the Executive Council.

No. 4.

EXTRACT from the *New Zealand Gazette* of the 28th April, 1871.

G. F. BOWEN, Governor.

WHEREAS by "The New Zealand University Act, 1870," it is amongst other things provided that the Council of the University established under the said Act shall be nominated and appointed by the Governor in Council, and shall consist of twenty Councillors, and that the said Council shall elect out of their own body a Chancellor and Vice-Chancellor for such period as is therein mentioned: And also that all questions which shall come before the said Council shall be decided by the majority of the members present or voting by proxy as thereinafter provided; and that the Chairman at any such meeting shall have a vote, and in case of any equality of votes a casting vote also; and that no question shall be decided at any meeting unless six members be present: And also, that the said Council shall have full power to make and alter any statutes and regulations (so as the same be not repugnant to any existing law or to the provisions of the said Act) touching the discipline of the said University, the number, stipend, and manner of appointment and dismissal of the officers thereof, the matriculation of students, the examinations for fellowships, scholarships, prizes, exhibitions, degrees, or honors, and the granting of the same respectively, the fees to be charged for matriculation or for any such examination or degree, the lectures or classes of the Professors and the fees to be demanded by them, the manner and time of convening the meetings of the said Council and Senate, and in general touching all other matters whatsoever regarding the said University, and that the said Council shall also have power to make and alter any statutes and regulations for the conduct of examinations for scholarships or exhibitions to be held in any School of Law or Medicine, or in any University outside the limits of the Colony, and for the terms on which such scholarships shall be held:

And whereas by Order in Council made on the third day of February, one thousand eight hundred and seventy-one, His Excellency the Governor nominated and appointed to be Members of the said Council—

The Honorable John Barton Arundel Acland, M.L.C., Canterbury;
 Sir George Alfred Arney, Chief Justice, Auckland;
 The Reverend Thomas Buddle, Wellington;
 The Honorable Robert Campbell, M.L.C., Otago;
 Hugh Carleton, Esq., Auckland;
 His Honor Henry Samuel Chapman, Judge, Otago;

The Right Reverend Dr. Croke, Roman Catholic Bishop, Auckland ;
 His Honor Oswald Curtis, Nelson ;
 The Honorable William Fitzherbert, Wellington ;
 The Honorable Captain Thomas Fraser, M.L.C., Otago ;
 The Honorable Morgan Stanislaus Grace, M.D., M.L.C., Wellington ;
 The Right Reverend Henry John Chitty Harper, Bishop of Christchurch, Canterbury ;
 James Hector, Esq., M.D., F.R.S., Wellington ;
 The Reverend William Johnston, Otago ;
 His Honor James Macandrew, Otago ;
 The Honorable Henry John Miller, M.L.C., Otago ;
 His Honor William Rolleston, Canterbury ;
 The Honorable Edward William Stafford, Nelson ;
 The Honorable Robert Stokes, M.L.C., Wellington ;
 Henry John Tancred, Esq., Canterbury ;

And whereas it is expedient that a time and place should be fixed for the first meeting of the Council so appointed :

Now therefore, I, Sir George Ferguson Bowen, do hereby fix and appoint that the first meeting of the said Council shall be held at the Otago University Building, at Dunedin, in the Province of Otago, on Wednesday, the thirty-first day of May next, at twelve o'clock at noon.

Given under the hand of His Excellency Sir George Ferguson Bowen, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same ; and issued under the Seal of the said Colony, at Wellington, this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and seventy-one.

W. GISBORNE.

No. 5.

(Circular.)

Colonial Secretary's Office, Wellington, 28th April, 1871.

SIR,—

I have the honor to enclose "The New Zealand University Act, 1870," and a *New Zealand Gazette*, No. 12, dated the 18th of February last, containing an Order in Council appointing the Council (of which you are a member) of the University of New Zealand. I also enclose a *Gazette*, No. 25, of this day, containing a notice under the hand of His Excellency the Governor, summoning the Council to meet at the buildings of the University of Otago, at Dunedin, on the 31st proximo, at noon.

I regret the delay that will have occurred after the appointment of the Council before their meeting can take place, but the Act unfortunately omits to provide the exact mode of calling together the first meeting of the Council, and as this defect has, no doubt, prevented arrangements being made by the members themselves for such meeting, His Excellency has been advised to summon it himself. When the meeting takes place, and the Chancellor and Vice-Chancellor have been elected, the future conduct of business can be arranged by the Council.

Under the 15th section of "The University Act, 1870," an annual sum of three thousand pounds (£3,000) is appropriated for the purposes of a University, and I am advised that the Council have power to appropriate out of this fund a reasonable sum to meet the expenses of their first meeting.

I have, &c.,

W. GISBORNE.

(Sent to all the Members of the Council of the New Zealand University.)

No. 6.

MR. JUSTICE CHAPMAN to the Hon. W. GISBORNE.

SIR,—

Dunedin, 28th May, 1871.

On my return from Southland yesterday, I found your telegram relating to the first meeting of the New Zealand University, appointed to the 31st instant, and suggesting an adjournment to give time for the arrival of the northern members.

As we have at present no summoning officer, or organization of any kind, unless some one person takes upon himself to usurp authority to summon, I fear the meeting will lapse, in spite of the communication to each member of the Council of your Circular of the 28th April last.

I therefore propose, to-morrow, to communicate through Mr. Brewer with all the members residing here, reminding them of the day of meeting appointed by His Excellency the Governor, and requesting them to attend *pro formâ* for the purpose of adjourning for a few days, in order to afford time for the arrival of the northern members.

I shall answer your telegram the first thing on Monday morning, and send a similar telegram to Mr. Stafford, who has telegraphed to me on the same subject.

I have, &c.,

H. S. CHAPMAN.

The Hon. the Colonial Secretary, Wellington.

No. 7.

The Hon. W. GISBORNE to Mr. Justice CHAPMAN.

SIR,—

Colonial Secretary's Office, Wellington, 8th June, 1871.

I have the honor to acknowledge the receipt of your letter of the 28th ultimo, and to convey to you the thanks of the Government for the trouble you have taken in connection with the meeting of the Council of the New Zealand University.

His Honor Mr. Justice Chapman, Dunedin.

I have, &c.,
W. GISBORNE.

No. 8.

His Honor J. MACANDREW to the Hon. W. GISBORNE.

(Telegram.)

Dunedin, 1st June, 1871.

OPINION of Attorney-General is requested,—“Would it be possible for the two Councils to make such terms as would secure the endowment made by the Provincial Council of Otago being retained for the use of the University established in Dunedin, without being liable to be diverted to any other place? By section 19 of the New Zealand University Act, it is provided that nothing herein or in such agreement shall prevent the General Assembly from applying any endowments herein made or which may have been or may hereafter be made for the support of a University by authority of the General Assembly, or any part of such endowment, to the establishment and maintenance of any other New Zealand University. Assuming that the endowments of the University of Otago (already made by the Provincial Council of Otago) will be transferred in accordance with the terms of section 12, will those endowments become applicable under the before recited provision to the establishment of any other New Zealand University? For it may be argued that such endowments, being transferred under authority of the Act of the Assembly, have been made by Act of the Assembly.”

The Hon. the Colonial Secretary, Wellington,

HUGH CARLETON, Chairman.
J. MACANDREW.

No. 9.

The Hon. W. GISBORNE to Mr. CARLETON.

(Telegram.)

Wellington, 2nd June, 1871.

In reference to telegram of yesterday, Attorney-General says, “I think that, as the period of six months specified by the 19th section has already elapsed, and as the power of the Governor in Council to establish a University is now at some other place than Dunedin, and not at Dunedin, the University of Otago should not make any absolute agreement, or perhaps any agreement, but arrange terms upon which they will agree after the Act of 1870 is altered so as to enable the Governor to establish a University at Dunedin, and putting beyond doubt the question raised in the telegram. I do not think the question free from doubt, though I am inclined to the opinion that the Otago University endowment was not intended to be affected.”—J. PRENDERGAST, 1st June, 1871.

Hugh Carleton, Esq., Dunedin.

W. GISBORNE.

No. 10.

The Hon. W. GISBORNE to Mr. CARLETON.

SIR,—

Colonial Secretary's Office, Wellington, 3rd June, 1871.

I have the honor to transmit herewith, for the information of the Council, a memorandum, with enclosures, from the Office of the Secretary for Crown Land, showing the present position of the reserves for the University endowment.

Further information shall be sent from time to time, as it reaches the Government, in relation to this subject.

The Chairman of the Council of the New
Zealand University, Dunedin.I have, &c.,
W. GISBORNE.

Enclosure in No. 10.

MEMORANDUM.

THE accompanying Schedule shows the lands set apart as endowments for the New Zealand University, under “The University Endowment Act, 1868.” That Act, however, only mentions 10,000 acres of confiscated land in the Province of Auckland, whereas, by the enclosed Schedule, it appears to have been the intention of the Government to reserve 50,354 acres in that Province.

With the exception of six reserves of town lands in the County of Westland, of five acres each, none of the lands in the enclosed Schedule have been formally defined under “The University Endowment Act, 1868;” and it appears doubtful whether the whole amount of the reserves in the Province of Auckland can now be secured in the several localities in which it was intended to take them; if not, the deficiency can be taken out of other confiscated lands in the Province.

The 10,000 acres reserved in the late Province of Southland have been defined by Order in Council.

I append a *precis* showing the state of the correspondence on this subject up to the present time.

G. S. COOPER
(in the absence of Mr. Domett).

Sub-Enclosure 1 to Enclosure in No. 10.

UNIVERSITY ENDOWMENT.—Schedule of Reserves.

						Acres.
<i>Province of Auckland.</i>						
Tauranga, Parish of Tahawai	...	...	...	...	...	20,000
Waikato, Parish of Taupiri	...	...	...	...	...	10,000
Waikato, Parish of Karamu	...	...	...	...	...	10,000
Opotiki, Parish of Waimana	...	...	...	...	...	10,000
Kaipara, Parish of Ararimu	...	...	...	...	...	354
<i>Province of Southland.</i>						
Forest Hill District	...	...	...	...	...	10,000
<i>Province of Taranaki.</i>						
Between Patea and Whenuakura Rivers (now being defined)	...	...	...	...	...	10,000
<i>Province of Otago.</i>						
(Otago University, 100,000 acres)	...	...	...	...	...	Nil.
<i>Province of Canterbury.</i>						
His Honor the Superintendent recommends that, since there are 19,000 acres for the High School, &c., the land to be reserved for a University endowment should not exceed from 1,000 acres to						1,500
<i>County of Westland.</i>						
Town of Hokitika	...	...	...	...	...	10
Town of Greymouth	...	...	...	...	...	10
Town of Okarita	...	...	...	...	...	10

Sub-Enclosure 2 to Enclosure in No. 10.

UNIVERSITY ENDOWMENT.—*Precis* showing the state of the Correspondence.

Auckland.

In July, 1868, His Honor the Superintendent stated that the Commissioner of Crown Lands had been directed to indicate the desired reserves.

In June, 1869, the Resident Minister stated that he had set apart and withdrawn from sale, as an endowment for a Colonial University, the following land:—

						Acres.
<i>Waikato District—</i>						
Parish of Taupiri	...	...	...	...	...	10,000
Parish of Karamu	...	...	...	...	...	10,000
<i>Tauranga District—</i>						
Parish of Tahawai	...	...	...	...	...	20,000
<i>Opotiki District—</i>						
Parish of Waimana	...	...	...	...	...	10,000
Total	...	...	...	...	...	50,000
Afterwards a piece of land in the Parish of Ararimu, Kaipara, (purchased from Mr. Thomson) was added, making an entire total in the Province of Auckland of						354
						50,354

On the 4th October, 1869, His Honor the Superintendent stated that a Schedule of such lands as were to be recommended as reserves was in course of preparation, and would be forwarded with tracings; but the Schedule and tracings have not been received.

Taranaki.

On the 10th April, 1869, His Honor the Superintendent stated that he was unable to make any definite recommendation about reserves.

The reserve of 10,000 acres, made under "The University Endowment Act, 1868," is now being marked off.

Hawke's Bay.

No reply has been received to the circular. His Honor the Superintendent will be again written to.

Wellington.

On the 12th February, 1868, His Honor the Superintendent promised that the question should be submitted to the Provincial Council; and again, on the 10th July, 1869, His Honor recommended that the reserves should be taken between the Waitotara and the Patea Rivers.

Confiscated Lands.

On the 26th August, 1868, the Hon. the Native Minister stated that land at Waitotara (in addition to the lands enumerated in the enclosed Schedule) had been set apart for a University reserve, though not exactly defined; but that it would be defined when quiet was re-established. His Honor proposed to make the reserve about 4,000 acres. The land in that part of the West Coast is now being surveyed for sale.

Marlborough.

On the 15th March, 1869, His Honor the Superintendent stated that he could not point out any lands suitable for an educational endowment.

Nelson.

No reply has been received to the circular. His Honor the Superintendent will be again written to.

Westland.

On the 9th September, 1869, the Chairman of the County Board stated that two five-acre blocks had been reserved in the Township of Hokitika, two five-acre blocks in the Township of Greymouth, and two five-acre blocks in the Township of Okarita, by authority of His Excellency the Governor of New Zealand, on the 17th July, 1868, in pursuance of powers vested in him; and the reserves were gazetted in the *New Zealand Gazette* on the 20th July, 1868. These are included in the Schedule to "The University Endowment Act, 1868."

Canterbury.

On the 1st May, 1869, His Honor the Superintendent stated that reserves of 9,000 acres for a High School endowment and 10,000 acres for ordinary education endowments had been made. He recommended that from 1,000 to 1,500 acres should be deemed sufficient for a University endowment. He has not yet recommended the exact reserve to be made. He will be again written to.

Otago.

On the 4th March, 1869, His Honor the Superintendent stated that 100,000 acres had been reserved for an Otago College or University; and suggested that such College or University, for which professional arrangements were being made, might suffice for the present requirements of New Zealand.

Southland.

His Excellency the Governor of New Zealand, by Order in Council, 18th September, 1869, set apart for the purposes of "The University Endowment Act, 1868," 10,000 acres, which were duly defined in the above Order.

No. 11.

His Honor J. MACANDREW to the Hon. W. GISBORNE.

(Telegram.)

Dunedin, 5th June, 1871.

WHAT reserves have been already made under "Endowment Act, 1863," at Patea or at Waikato? Has the land been defined, and have Crown Grants been issued for these or for any portion of these lands? The Hon. the Colonial Secretary, Wellington.

J. MACANDREW.

No. 12.

The Hon. W. GISBORNE to His Honor J. MACANDREW.

(Telegram.)

Wellington, 5th June, 1871.

RESERVES for University Endowment:—Tauranga, twenty thousand acres; Opotiki, ten thousand; Waikato, twenty thousand; Patea, ten thousand. Land not properly defined or effectually reserved. No grants. Letter per "Phœbe" on subject.

His Honor the Superintendent, Dunedin.

W. GISBORNE.

No. 13.

Mr. TANCRED to the Hon. H. SEWELL.

(Telegram.)

Dunedin, 7th June, 1871.

COUNCIL of New Zealand University elected Chancellor, Henry John Tancred; Vice-Chancellor, Hugh Carleton. Passed following resolutions:—1. That the Chancellor be requested to apply to the Colonial Treasurer for the sum of three thousand pounds, to be placed to a separate account in the Bank of New Zealand, to be entitled the New Zealand University Account, to be drawn upon for purposes specified in section 15 of the New Zealand University Act; and that such sum be transferred as above requested prior to the 30th June instant. 2. That above account should be drawn upon by cheque signed by the Chancellor or Vice-Chancellor, and countersigned by one member of the Council.

HENRY JOHN TANCRED,

The Hon. the Colonial Treasurer, Wellington.

Chancellor.

No. 14.

The Hon. H. SEWELL to Mr. TANCRED.

(Telegram.)

Wellington, 7th June, 1871.

IT would be more regular for the Government to receive an official communication from the New Zealand University, with full particulars in detail, before transferring the funds; but if there is any special object in having the funds placed at command without delay, it shall be arranged accordingly. Reply by telegraph.

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

HENRY SEWELL.

No. 15.

Mr. TANCRED to the Hon. H. SEWELL.

(Telegram.)

Dunedin, 8th June, 1871.

THE object of a transfer of the fund is that the vote may not lapse by expiration of financial year; also, that the Council may defray some necessary expenses connected with New Zealand University.

HENRY JOHN TANCRED,

Chancellor.

The Hon. the Colonial Treasurer, Wellington.

No. 16.

Mr. TANCRED to the Hon. H. SEWELL.

SIR,—

University of New Zealand, Dunedin, 8th June, 1871.

In reference to my telegram, and your reply thereto, on the subject of the transfer of the funds appropriated for the purposes of the University of New Zealand, I have the honor to submit more detailed explanations on the views of the Council.

The Council, taking into consideration the fact that the sum of three thousand pounds (£3,000), allocated by the Act to the University of New Zealand, will cease to be payable at the expiration of the current financial year, do not feel themselves in a position to enter into any engagement or to incur any expenditure unless in cases where the payment would become due previous to the 30th June.

The Council does not understand that it will be necessary to draw the money which it appropriates by means of vouchers for each item, but that the Treasurer should pay over the whole of the three thousand pounds allocated for the purposes of the University, for specific appropriation by the Council. Otherwise the final decision as to the objects to be attained would rest with the Government and not with the Council.

With regard to the second of the resolutions communicated to you by telegraph, viz., the mode in which the fund placed at the disposal of the Council should be operated upon, the Council understands that arrangements can be made whereby money can be drawn at any branches of the Bank of New Zealand in the Colony on Government account.

I should be obliged if you would inform me whether the arrangements proposed by the Council would be sufficient, viz., that payment should be made by cheques signed either by the Chancellor or Vice-Chancellor and countersigned by one other member of the Council. I presume, if this method is effectual, it would be necessary that the Bank of New Zealand should have the names and the signatures of the members.

It has been suggested that, with a view of saving any loss of interest by the transfer of the three thousand pounds at once, the Government should enter into some understanding with the Bank to consider this sum, for the purposes of interest, as Government deposit until drawn by the Council.

I should feel greatly obliged by your informing me what arrangements with the Bank would be most convenient to the Government, and generally in what form payments should be made by the Council.

I have, &c.,

HENRY JOHN TANCRED,

Chancellor.

The Hon. the Colonial Treasurer, Wellington.

No. 17.

Mr. TANCRED to the Hon. W. GISBORNE.

(Telegram.)

Dunedin, 10th June, 1871.

REQUESTED legal opinion as to interpretation of clause 9 of New Zealand University Act, and especially whether a general power of voting on all questions which may come before this Council can be given by letter addressed to the Chancellor or Vice-Chancellor, or only a power of voting on any question or questions specified in such letter.

HENRY J. TANCRED,

Chancellor.

The Hon. the Colonial Secretary, Wellington.

No. 18.

The Hon. W. GISBORNE to Mr. TANCRED.

(Telegram.)

Wellington, 21st June, 1871.

REPLY to telegram of 10th about proxies. Government advised that proxy may vote in any matter arising at meeting, and that matters need not be expressly mentioned in the letter.

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

W. GISBORNE.

No. 19.

Mr. TANCRED to the Hon. W. GISBORNE.

SIR,—

Dunedin, 12th June, 1871.

I have the honor to inform you that the Council have made the enclosed regulations with regard to proxies, as required by clause 9 of the New Zealand University Act, under the 10th clause of

that Act; and I have to request, by direction of the Council, that the same may be approved and sanctioned by the Governor, as required by clause 12 of the Act.

I have, &c.,

HENRY JOHN TANCRED,
Chancellor.

The Hon. the Colonial Secretary, Wellington.

Wellington, 21st June, 1871.

His Excellency the Governor is respectfully advised to approve the within rules made by the Council of the University of New Zealand.

W. GISBORNE.

Approved:—

G. F. BOWEN.

Enclosure in No. 19.

RESOLUTIONS of the New Zealand University Council.

THAT proxies shall be delivered in form as follows:—"I, A.B., do hereby empower C.D. to exercise any right of voting at any meeting of the Council of the University of New Zealand whenever I shall not be present in person, and this power shall endure until it shall have been revoked under my hand."

Provided that any member having given a general proxy, shall retain the right of superseding that proxy in regard to any specified question, by letter addressed to the Chancellor or Vice-Chancellor.

That the word "letter" shall, for the purposes of the above regulation, be deemed to include a message sent by telegraph in accordance with regulations duly authorized under the Telegraph Act.

No. 20.

Mr. TANCRED to the Hon. W. GISBORNE.

SIR,—

Dunedin, 16th June, 1871.

I have the honor to inform you that the Council have passed the enclosed statute and regulations, and have instructed me to forward the same to you, that they may be approved and sanctioned by the Governor in Council.

I have, &c.

HENRY JOHN TANCRED,
Chancellor.

The Hon. the Colonial Secretary, Wellington.

15th July, 1871.

His Excellency the Governor in Council is respectfully advised to assent to the within statute passed by the Council of the New Zealand University.

W. GISBORNE.

Approved:—

G. F. BOWEN.

Enclosure 1 in No. 20.

Statute.

14th June, 1871.

WHEREAS it is expedient that regulations should be made for the government and discipline of the New Zealand University:

Be it hereby enacted,—

"That until the Senate of the said University shall have been constituted, the University Council in Session assembled shall convene and appoint the time and place of meeting of the said Council for each succeeding Session, and so on from Session to Session.

"The Chancellor or the Vice-Chancellor, or, in the absence of both from the Colony, the Registrar, shall convene a meeting of the Council upon the written requisition of not less than ten members, setting forth the objects for which the meeting is required to be convened, and the meeting shall be called not less than thirty days after the receipt of the requisition."

Approved in Council, 9th August, 1871.

FORSTER GORING,
Clerk of the Executive Council.

Enclosure 2 in No. 20.

RESOLUTIONS of the Council of the New Zealand University.

Regulations.

14th June, 1871.

THAT the powers of the New Zealand University Council in the matters hereinunder specified may be exercised, until the next meeting of the Council, by an Executive Committee; such Committee to consist of the Chancellor, the Right Rev. Bishop of Christchurch, Mr. Rolleston, and Mr. Acland. Three to be a quorum:—

(1.) The management of the landed endowments belonging to the University, so far as provision shall not have been made by the Council in that behalf.

(2.) The giving effect to, and bringing into practical operation, all resolutions, statutes, or regulations of the Council.

No. 21.

Mr. TANCRED to the Hon. W. GISBORNE.

SIR,— University of New Zealand, Dunedin, 16th June, 1871.
I have been instructed by this Council to forward, for the information of Government, the enclosed resolutions.

I have, &c.,
HENRY JOHN TANCRED,
Chancellor.

The Hon. the Colonial Secretary, Wellington.

Enclosure 1 in No. 21.

RESOLUTION of the Council of the New Zealand University.

7th June, 1871.

Resolved,—That H. J. Tancred, Esq., be elected Chancellor, and that Hugh Carleton, Esq., be elected Vice-Chancellor; the term of office of Chancellor to be fixed two years from the present date, and that of the Vice-Chancellor for the same term.

Enclosure 2 in No. 21.

RESOLUTION of the Council of the New Zealand University.

14th June, 1871.

Resolved,—That for the removal of doubt, any telegram received on official business by any officer of the Council of the New Zealand University may be considered and treated as a letter received from the person whose signature shall have been lawfully attached to the said telegram.

Enclosure 3 in No. 21.

RESOLUTION of the Council of the New Zealand University.

Resolved,—That the blazon of the University Seal be as follows:—Within a circular ribbon, and on a ground diapered in antique escocheon, bearing azure between four estoils of eight points in cross argent, a book open fesswise of the same, edged and indexed proper. Motto, on an escroll argent, fimbriated gules surmounting the ground diapered and passing behind the escocheon, the words—“Sapere Aude.”

No. 22.

The Hon. W. GISBORNE to Mr. TANCRED.

SIR,— Colonial Secretary's Office, Wellington, 3rd July, 1871.

I have the honor to acknowledge the receipt of your letters, noted in the margin, relating to various matters connected with the New Zealand University. These papers have been laid before the Attorney-General, and it will, I think, be convenient to apprise you generally of the conclusions arrived at by the Government, after consultation with that officer, in reference to the action taken by the University Council. In doing so, I trust that you will need no assurance from me that the Colonial Government are earnestly desirous of rendering every assistance in their power to the Council of the University. This has been shown by the readiness with which they have placed the funds appropriated for the present year's service at the disposal of the University. But the Council of the University have, as the Government are advised, overlooked, or misapprehended, some of the most important provisions of the University Act. Its obvious intention is, that the University shall be founded at some given place: if amalgamated with the University of Otago, then at Dunedin; otherwise, at such other place within the Colony as the Governor, with the advice of His Executive Council, may direct. It seems that the respective Councils of the two Universities were unable to agree as to the terms of amalgamation, the result being to prevent the New Zealand University being established at Dunedin; but no steps have been taken, in accordance with the Act, to found it elsewhere. It may be necessary for this purpose that action should be taken by the Governor in Council. But, in reference to this point, I enclose a copy of a letter from the Vice-Chancellor of the University of Otago, in which he states that the latter body feels itself aggrieved that the union of the two Universities has been prevented by the Council of the New Zealand University resolving not to fix upon any particular place in the Colony as a permanent site. Under these circumstances, it is, in the opinion of the Government, open to grave doubt whether, as yet, the University of New Zealand is capable of exercising its functions in the manner and to the extent which it has purported and proposes to do. As regards the appropriation of the University funds, the Government have, at the request of yourself as Chancellor,

Chancellor of University to Colonial Treasurer, relative to transfer of funds, June 8, 1871.
Ditto to Colonial Secretary, covering three resolutions, June 16, 1871.
Ditto, ditto, covering statutes and regulations, June 16, 1871.
Ditto, ditto, enclosing copy of University seal, June 17, 1871.

placed the sum of three thousand pounds, payable under the University Act, at the disposal of the Council, to be drawn upon, as requested by your telegram, by yourself and the Vice-Chancellor. The Government did this, relying on the Council adopting such measures as would give legal sanction to that mode of dealing with their funds. It would, in the opinion of the Attorney-General, be necessary that proper statutes or regulations for the management and disposal of the University funds should be made and submitted for the approval of the Governor in Council, in accordance with the provisions of the Act. Meantime, I venture to submit to you the propriety of not dealing further with the funds than may be absolutely necessary to provide for ordinary expenses already incurred.

I observe that, as to various subjects, the Council have considered that it was necessary to govern their proceedings by statutes submitted for the approval of the Governor in Council; but as regards other subjects of the greatest importance, the Council seem to have considered that they were not bound to frame statutes, but that it was sufficient to proceed by resolution. This course is, as the Government are advised, at variance with the terms of the University Act. I refer in particular to the establishment of professorships and scholarships, which has been publicly announced in advertisements. It appears that the Council contemplate the establishment of these professorships and scholarships in Colleges affiliated by the University. The Government are further informed that it is in the contemplation of the Council to found scholarships in the non-affiliated University of Otago. The University Act authorizes the establishment of lectureships in affiliated Colleges, but only authorizes the establishment of scholarships in the University of New Zealand. The establishment, therefore, of scholarships in affiliated Colleges, and *a fortiori* in the non-affiliated University of Otago, would not be, as the Government are advised, in accordance with law.

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

I have, &c.,
W. GISBORNE.

(The substance of the above letter was communicated to Mr. Tancred by telegraph on the 1st July.)

No. 23.

MR. TANCRED TO HON. MR. GISBORNE.

SIR,—

Christchurch, July 6, 1871.

I have the honor to acknowledge the receipt of your letter, No. 336, of the 3rd instant, in reference to the action taken by the Council of this University, at its late meeting at Dunedin, in matters referred to by you (also a telegram to the same effect as your letter) and in doing so, I am sure that I only express the feelings of the Council when I say, that that body agrees with you in thinking that the Colonial Government has shown every desire to render it assistance, by the readiness with which it has placed the funds appropriated for the present year's service, at the disposal of the University; for, although the Colonial Treasurer is compelled by the Act to do this, yet I am sensible that the Government, had it been disposed to cripple the action of the Council, might have interposed considerable delay before paying over the money.

It will no doubt be a cause of regret to the Council that it should have misapprehended the intention of the Act, and proceeded, as appears to be the opinion of the Attorney-General, in contravention of its provisions. Nothing, I am sure, was further from the wish of the Council, and I propose to offer some observations on the points referred to in your letter, for the purpose of explaining what my impression is of the view taken by the Council of its position.

In the first place, you state that the obvious intention of the Act is that the University shall be founded at some given place, and that the University of Otago feels itself aggrieved that the union of the two Universities has been prevented by the Council of this University resolving not to fix upon any particular place in the Colony as a permanent site; and further, that under these circumstances it is open to grave doubt whether this University is capable of exercising its functions in the manner and to the extent which it has purported and proposes to do.

From this I gather that the omission to fix upon a site has produced these two evils:—1st. It has prevented the amalgamation of the two Universities. 2nd. It has curtailed the powers of the Council.

I think, upon consideration, that you will agree with me that this University is in no way responsible for the omission. It is true that the Council has expressed its opinion by resolution that the establishment of the University at any particular place is not desirable at present; but it has made no recommendation on the subject, nor has it in any other way communicated its views to the Government; and for this simple reason, that it is no part of its functions to take action in the matter. It is left to the Governor and Executive Council to determine whether they will exercise the power given to them of deciding upon any particular place as the seat of the University. If, however, the expression in clause 19, "The University of New Zealand may be founded, &c.," is mandatory, then I conceive the Government has no option in the matter, but is compelled by law at once to fix upon some place other than Dunedin. In either case this University has no responsibility in the matter, and the complaint of the University of Otago against the Council of this University resolves itself into a complaint against the Governor and Executive Council. If, as appears to be your opinion, this omission on the part of the Government has had the effect of curtailing powers which the Council would otherwise have possessed, and of throwing doubt upon the legality of action already taken, I venture to suggest that the Government should, as soon as possible, remove these doubts by at once fixing on a suitable site in accordance with the terms of the Act.

With regard to the form adopted for the appropriation of the funds, the Council was not aware that this must be done by statute or regulation to be approved of by the Governor; as clause 15, which specifies the purposes to which the funds at the disposal of the Council may be applied, makes

no mention of either statutes or regulations; and accordingly it was supposed that the Council was at liberty to choose its own mode of apportioning the expenditure. If, however, under the Act as it now stands, the assent of the Government is required before any payment can be made, I think an amendment is imperatively required in the direction of allowing to the Council a much larger discretion, so as to put it on a footing at least not inferior to that of a Road Board and other bodies of the same nature.

In the meantime I will carefully attend to your suggestion, and not deal further with the funds than is absolutely necessary to provide for engagements already entered into by the Council.

With regard to the announcements published under the authority of the Council, relating to the establishment of professorships and scholarships, I have to make the following explanations:—It must be understood, in the first place, that these announcements were intended merely as preliminary notices, to those interested, of the intentions of the Council; definite arrangements being reserved for future consideration. There is nothing to lead to the inference that the Council does not contemplate supplementing, by statute or regulation, or otherwise, as may be necessary, whatever may appear best calculated to give effect to its views. On the face of it, some further action must be taken in the case of the professorships, and this is in the contemplation of the Council. For this reason no definite arrangements have been come to, either for the appointment of professors or for the payment of their stipends. All that has been done as yet is the appropriation of a gross sum for these purposes.

With regard to the scholarships, two objections, as I understand, are made to the proceedings of the Council.

1. That the Council has neglected to pass any statute or regulation on this subject for the approval of the Governor.

2. That such scholarships cannot, as proposed by the Council, be held in an affiliated institution, but must be held in the University itself; and *a fortiori* they cannot, in any case, be held in non-affiliated institutions such as the University of Otago.

As regards the first of these points, so far as the objection relates to the necessity of establishing scholarships by statute or regulation, the Council has complied with this requirement. It will be seen that the terms upon which candidates are invited to compete are headed "Regulations for Scholarships." Some little ambiguity may have arisen from a verbal error in the terms of the advertisement, in which it is announced that these scholarships are offered under "resolutions" of the Council. The word "resolutions" should have properly been "regulations." As a matter of fact, these "regulations," as well as those relating to conditions of affiliation, and to the establishment of professorships, though proposed originally in the shape of resolutions by a committee appointed to consider the subjects to which they relate, were finally adopted by the Council as regulations. From this you will perceive that you have been under a misapprehension as to the mode of proceeding adopted by the Council. The mistake was only natural, and likely to arise from the terms in which the advertisement was drawn up. Should the Government accede to my request to publish these advertisements in the *Government Gazette*, I would suggest that this verbal error be corrected, so as to make the announcement more exactly represent the action of the Council.

But the further question is raised, whether the Council is competent to pass regulations without the approval of the Governor; or, rather, perhaps, whether regulations of the Council have any force or effect before receiving such approval, or before the seal of the University has been affixed to them, according to the provisions of the 12th clause of the Act; and you point out that whereas the Council has submitted, for the approval of the Governor, regulations on other subjects, it has not considered it necessary to submit the regulations for scholarships and professorships. In explanation of this apparent inconsistency, I may state that it is my impression that the Council considered that these regulations, affecting, as they do, exclusively the objects for which the University was established, were so peculiarly within its own province as not to require confirmation from without.

With regard to the competency of the Council to give a force to its regulations, independently of the approval of the Governor, it has been argued that the 10th clause, which gives power to the Council to make regulations and statutes, gives that power absolutely, so far as it is not modified by the terms of the 12th clause; and that the approval of the Governor gives to these statutes and regulations force only for a particular purpose, viz.:—To make them binding on all members of the University, and on candidates for degrees. Taking this view of the case, it is said, inasmuch as the establishment of professorships and scholarships do not require to be made binding on all the members of the University, or on candidates for degrees, the regulations adopted for these subjects do not require, in order to give them force, the Governor's approval.

The proviso in clause 10, to the effect that as soon as the Senate is constituted no statute, &c., shall be of any force until approved of by that body, appears to strengthen this view of the case, because it implies, that in the absence of a Senate the regulations, &c., of the Council alone have some force.

As regards the second point, that scholarships must be held in the University, and not in affiliated institutions, I can only say that, as I understand, the Council acted on the assumption that affiliated institutions formed a part of the University. It is possible that the wording of the Act does not admit of this interpretation; if so, it is very important that it should be amended so as to allow of scholarships being held in affiliated institutions. I have every reason to believe that great disappointment and dissatisfaction would be felt among those interested in the establishment of scholarships if the tenure of University scholarships were restricted to one particular institution. Many of the most promising youths would be shut out from competition if they became aware that a large portion, in some cases perhaps the whole, of the proceeds of their scholarships would be required for defraying the expense to be incurred by them in travelling to and from the site of the University.

If the interpretation put upon the law by the Government is the correct one, and if this prohibition is retained, the only means that I can perceive of diminishing the serious evil, to which I have referred, appears to be to fix the site of the University at the most central place in the Colony, so as to offer inducements to compete for scholarships to the largest number of competitors.

It seems to me, and I believe this opinion is shared by the members of the Council generally, that, for some time to come, the University will best promote those great objects for which it was established, and that it will most effectually aid the interests of higher intellectual culture in all parts of the Colony by working through affiliated institutions, and by thus giving encouragement to learning wherever a taste for literature exists among whatever class it may be found.

As regards the intention of the Council, to consider the University of Otago, an affiliated institution, for the purposes of scholarships, you object that the Council has no power to establish scholarships in affiliated colleges, and *a fortiori* has not power to establish them in the non-affiliated University of Otago.

I am not quite sure that I understand the exact point of this objection. It appears to me that if scholarships can be held only in the University, and in no other institution, it matters little whether the institution proposed to be admitted to this privilege is affiliated or not, both are equally excluded. In any case, however, this objection becomes of less moment, practically, as nothing has as yet been actually done in the matter of affiliating colleges; but it is the intention of the Council, when the proper time arrives to affiliate the University of Otago, as well as any other institutions which may be entitled to this distinction.

The precise mode in which the case of scholarships in the Otago University is to be dealt with, is a matter for future consideration. All that the Council is pledged to at present is, to take such steps as may be necessary to allow of scholarships being held in that institution without a formal application being made on its behalf, as is required in the case of other institutions seeking affiliation.

I have now, I think, adverted to all the points referred to in your letter, and I have done so at some length, because I am anxious to lay before the Government as fully as possible, the suggestions which have occurred to me during the late meeting of the Council, in order that, should any alteration of the Act be in contemplation, the attention of the Government may be drawn to questions which appear to me of considerable importance, and which may materially affect the future usefulness of the University.

I have, &c.,

HENRY JOHN TANCRED,
Chancellor.

The Hon. the Colonial Secretary, Wellington.

No. 24.

The Hon. Mr. GISBORNE to Mr. TANCRED.

Colonial Secretary's Office,
Wellington, 15th July, 1871.

SIR,—

I have the honour to acknowledge the receipt of your letter of the 6th instant, in reference to the points raised in my letter of the 3rd, relative to the action of the Council of the University of New Zealand, at its late meeting in Dunedin.

I gladly recognise your wish to co-operate with the Government in removing all doubts respecting the legality of that action, and in best attaining the object of the Legislature in passing the University Act of last Session, and, in the few further remarks which I venture to make, I desire to reciprocate that wish to its fullest extent.

In referring to the fact that no site had been fixed for the University, I did not intend to impute to the Council any responsibility for that omission, but merely wished to point out that until such site had been fixed, certain measures taken by the Council were, as the Government were advised, of doubtful validity. One of the objects of summoning the Council at Dunedin was to facilitate the amalgamation, and thus combine the respective means and powers of the two Universities of New Zealand and Otago; and, failing this, to elicit on the part of both Councils that discussion and expression of views which would best guide the Government and the Legislature in their further deliberations on this subject, and ensure to their action the greatest probability of success. It is, therefore, a matter of regret to the Government that if, as you state, the Council felt that it was "no part of its functions to take action in the matter" (the selection of site), it should have "expressed its opinion by resolution that the establishment of the University at any particular place is not desirable at present." The twofold result, I fear, is that the amalgamation of the two Universities has been prevented, and that considerable embarrassment is entailed on the Governor in Council with respect to the establishment, as contemplated by the Act, of the University at a particular place, in direct contravention of the expressed opinion of the Council.

The Government cannot concur in your argument that the appropriation of the funds of the Council is not, under the University Act, the subject of statute or regulation to be approved by the Governor in Council. They are of opinion that, if statutes and regulations are necessary for the matters, some of comparatively minor importance, specified in the 10th section, the appropriation of money was intended to have been similarly treated. This view is strengthened by the fact that though the 15th section generally states the objects towards which the sum received by the University from the Colonial Treasury shall be appropriated, no limitation, even of that general nature, is made respecting the appropriation of other funds to which the University may be entitled. It may, therefore, be reasonably inferred that the Legislature would impose the same conditions on appropriation of money as it does on what may be considered comparatively matters of mere routine; and this inference is fully substantiated by the terms of the 10th section which extends the jurisdiction of the statutes and regulations to "all other matters whatsoever regarding the said University," and those of the 12th section, which require the sanction of the Governor in Council to such statutes before they bind the members of the University, as it cannot be supposed that the Council would have been allowed to make appropriations by which the Members of the University would not be bound.

With regard to the scholarships, I do not understand how the Council, as you appear to think, has complied with the requirement that the establishment of scholarships should be the subject of statute or regulation, by heading its advertisement as "Regulations for Scholarships," when it ignores the condition of the approval of the Governor in Council, which is rendered necessary by the 12th section. It cannot, surely, be justly held that the establishment of scholarships, as well as appropriation of money, can be made by the Council, and at the same time the condition avoided, the fulfilment of which is to render such establishment binding on the University, and on candidates for degrees, and recognisable by courts of justice.

The whole question of these scholarships is at present beset with complications. They have been publicly offered before they have been legally established, and before any colleges have been affiliated to the University; and in the case of the University of Otago, as I understand, without the condition of affiliation, inasmuch as the necessity of an application for affiliation, and consequently, I presume, of observance of other stipulations are dispensed with. In fact, it would appear that the University of New Zealand, after it has refused amalgamation, wishes to force affiliation on the University of Otago.

Under all these circumstances, the Government have considered that the most advisable course will be to allow the whole question to be reconsidered by the Legislature in its approaching session, with a view to the adoption of such measures as will render the University capable of discharging its functions with most efficiency, and of thus securing the greatest advantage to the cause of education.

I understand that the Council wish to meet at Wellington while Parliament sits, and with the view of enabling it to do so, His Excellency the Governor in Council will be advised to sanction the statute relative to the convening of future sessions of the Council. The other statutes and *Gazette* notices may, the Government think, be temporarily postponed, until the Legislature have considered the whole subject.

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

I have, &c.,
W. GISBORNE.

No. 25.

Hon. Mr. GISBORNE to Hon. Major RICHARDSON.

SIR,—

Colonial Secretary's Office,
Wellington, 15th July, 1871.

I have the honor to acknowledge the receipt of a letter, of the 16th ultimo, written in your absence by the Vice-Chancellor of the University of Otago, and I have been in correspondence on the subject of it with the Chancellor of the University of New Zealand.

After careful consideration of all the circumstances arising out of the recent meeting of the Council of the University of New Zealand, and of legal difficulties connected therewith, the Government have decided on submitting the whole question to the further consideration of the General Assembly in its approaching session.

The Government have no power to allot to the University of Otago any portion of the sum of three thousand pounds (£3,000) which, in pursuance of the 15th section of "The University Act, 1870," the Colonial Treasurer has paid to the University of New Zealand.

The Hon. Major Richardson,
Chancellor of the Otago University, Dunedin.

I have, &c.,
W. GISBORNE.

No. 26.

Mr. TANCRED to Hon. Mr. GISBORNE.

SIR,—

Christchurch, 11th July, 1871.

In further reference to my letter of the 6th instant, it has occurred to me that, with a view to giving effect to the wishes of the Council, as expressed at its last meeting at Dunedin, it devolves upon me to take any steps that may be required for the removal of any merely technical objections that may exist to regulations adopted.

With this object, I enclose for the Governor's approval, copies of the regulations adopted by the Council, relating: 1. To the conditions on which scholastic or collegiate institutions may be affiliated to this University. 2. The regulations for scholarships. 3. The appropriation of funds.

If, as would appear from your letter of the 3rd instant, there is a doubt whether the Council is competent to make the regulations for scholarships as adopted. I presume there is no objection to those which relate to the other subjects. I would, therefore, respectfully suggest that His Excellency may be advised to approve of those headed, "Conditions of Affiliation" and "Appropriation of Funds," in order to remove the technical objection to their validity mentioned in your letter.

It being the opinion of the Attorney-General that proper statutes or regulations for the management and disposal of the University funds should be made and submitted for the approval of the Governor in Council, it is very desirable that I should be placed in a position to carry out the wishes of the Council, and that I should have legal authority for incurring those incidental expenses of the Council which have been indicated by resolution.

With regard to the regulations for scholarships, and the objection raised to them, that University scholarships cannot be held in affiliated institutions, I may remark that the regulations do not in so many words contravene this dictum. They merely provide that successful candidates must enter their names on the books of an affiliated institution, and attend the course of studies pursued there, but this is not necessarily inconsistent with the scholarships being held at the University also.

The Governor not having been advised, in accordance with the Act, to determine the site of the University, it was very difficult for the Council to devise such arrangements for the tenure of scholarships as should have enabled it to carry out, in the most advantageous manner, the objects contemplated; as it is very possible that had the site been fixed the Council would, after being informed of the state of the law, have ordered that these scholarships should only be tenable in the University. Practically, the omission to fix the site has prevented the Council from establishing scholarships at all.

The Hon. the Colonial Secretary,
Wellington.

I have, &c.,
HENRY JOHN TANCRED,
Chancellor.

Enclosure 1 in No. 26.

UNIVERSITY OF NEW ZEALAND.
REGULATIONS.
Conditions of Affiliation.

1. THAT scholastic or collegiate institutions in the Colony be affiliated to the University of New Zealand on the following conditions:—

I. That such institutions provide for the purposes of teaching and lecturing, lecture rooms, with suitable apparatus and appliances.

II. That, at such periods of the year as may be determined upon by the Council, lectures be regularly given by the teachers and lecturers of these institutions.

III. That it be shown to the satisfaction of the Council that such institutions are competent to supply, through their teachers and lecturers, adequate instruction in at least three of the following branches of education, or in such other branches as may be determined upon by the Council, viz:—

1. Classics.
2. Mathematics and Natural Philosophy.
3. Modern Languages other than English.
4. Physical Science.
5. English Language and Literature.
6. General History.
7. Mental and Moral Philosophy.

Enclosure 2 in No. 26.

UNIVERSITY OF NEW ZEALAND.
REGULATIONS.
Regulations for Scholarships.

1. THAT no candidate under sixteen years of age shall be admitted to the examination for a scholarship, and no successful candidate be entitled to hold a scholarship, unless he shall enter his name upon the books of some affiliated institution, and attend regularly the course of studies and lectures prescribed by that institution or the Council.

2. That all scholars shall be subject to the supervision and control of the authorities of the institutions at which they have entered in accordance with section 11 of "The New Zealand University Act, 1870."

Enclosure 3 in No. 26.

UNIVERSITY OF NEW ZEALAND.
REGULATIONS.
Appropriation of Funds.

1. THAT one thousand pounds (£1,000) be appropriated for the establishment of twenty (20) scholarships, to be awarded for proficiency in one or more of the following subjects:—

1. Classics.
2. Mathematics.
3. Physical Science.
4. Modern Languages other than English, History and English Literature.

2. There shall be one scholarship in each of the above-mentioned branches of study, of the value of £70, and that the remainder shall be of the value of £45 each; and that the tenure of each scholarship be for the term of the University course.

3. That in estimating comparative merits of candidates under examination, marked proficiency in any one branch of the examination, even if there should be marked deficiency in the remainder, be rated higher than a superficial knowledge of a greater number of subjects.

4. That fifteen hundred pounds (£1,500) be appropriated for the establishment or subsidising in the affiliated institutions of such Professorships or Lectureships as may be determined upon hereafter.

5. That scholastic or collegiate institutions desiring affiliation to the University, and aid in the establishment of Professorships or Lectureships, be invited to send in applications to the Council, stating how far they are prepared to fulfil the conditions prescribed in section III.

6. That the balance of the £3,000 be appropriated to the payment of the incidental expenses of the Council.

No. 27.

Hon. Mr. GISBORNE to Mr. TANCRED.

Colonial Secretary's Office,
Wellington, 31st July, 1871.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 11th instant, enclosing copies of some regulations, to which you desire the Governor's assent, passed at the late sitting of the Council of the New Zealand University.

My letter of the 15th instant, which you had not received when you wrote that letter, will have placed you in possession of the views of the Government generally on the subject of the position and action of the Council.

In the consideration of the whole question, and of the detached statutes and regulations which you have from time to time forwarded, the Government have felt considerable inconvenience from the want of a consecutive account of the proceedings of the Council, and I shall feel obliged if you would furnish me therewith at your early convenience. In illustration of this, I would point out that in your letter of the 17th ultimo you requested the Government to publish the offer of scholarships, and that it is only in your letter of the 11th instant, now under acknowledgment, that you request the assent of the Governor to the regulations for the establishment of those scholarships, that assent being essential by law to such establishment. With respect to the fixing by the Government of the site of the University, I would remind you that the Council was summoned to meet at Dunedin, in the hope that arrangements might be undertaken for the ultimate amalgamation of the University of Otago with that of New Zealand, and that before the Government were officially informed of the failure of that object, they were asked to give practical effect to statutes and regulations of the Council, and only informally learned that the Council had passed a resolution deprecating the fixing of any site for the University of New Zealand.

The Government think, under all the circumstances, that the best course will be, as pointed out in my letter of the 15th instant, to await the consideration of the subject when the Council and Parliament are in session at the same time, and when it is hoped that the result of their deliberations may be to remove all difficulties and to place the whole matter on a satisfactory footing.

I have, &c.,
W. GISBORNE.H. J. Tancred, Esq.,
Chancellor of the New Zealand University,
Christchurch.

No. 28.

Mr. TANCRED to the Hon. Mr. GISBORNE.

University of New Zealand,
Christchurch, 11th August, 1871.

SIR,—

I have the honor to acknowledge your letter of the 31st ultimo, No. 391, in reply to mine of the 11th, in which I transmitted copies of regulations relating to scholarships, conditions of affiliation, and appropriation of funds, and requested the Governor's approval of them.

In accordance with your request, I transmit, by this post, copies of minutes of proceedings of the Council, addressed to each of His Excellency's advisers.

I had already transmitted copies of these documents, as soon as I received them from the printer, to the several members of the Ministry in their capacity of members of the General Assembly. Being pressed for time, and thinking that the Government would thus be put in possession of the information required, it appeared to me that no practical inconvenience would be caused by deferring the transmission of copies for Ministers in their capacity of members of the Government.

As regards the delay which occurred in the transmission of regulations relating to scholarships, I have already explained on what grounds the Council assumed that the Governor's approval was not required.

Acting on this assumption, the Council thought it essential that the scholarships should be established at once, and without deferring all action in the matter until the Governor's approval could be obtained.

It was only on being informed by you that the objects contemplated by the Council could not be obtained without the Governor's approval, that I saw the necessity of submitting the regulations to the Government, in order to obtain that approval.

The interval which elapsed between the time when I could have transmitted them, and the time when I actually did transmit them, was one only of three weeks; and even this comparatively short delay is practically of the less importance, as the Government had already determined not to give effect to these proceedings of the Council until after the meeting of the General Assembly.

I conclude from the fact that the Governor's approval to the statute relative to the convening of future sessions of the Council has not yet been obtained, although you state that the Government intend to recommend it, that the same delay would have taken place in dealing with all other regulations or statutes, whether those which were transmitted at an earlier date, or those transmitted at a later date.

With regard to the question of fixing the site of the University, I am anxious again, and more fully than I did in my letter of the 6th ultimo, to explain the circumstances under which the Council gave expression to an opinion that it was not desirable, for the present, to fix upon any particular place.

That opinion was contained in a communication from the Council to the University of Otago, in answer to a specific question on the subject.

The resolution embodying this view was one of a series of resolutions intended for the information of the University of Otago, and was not in any way intended as a suggestion to the Government of the Colony. For this reason it was not brought under the notice of the Government.

The Council apparently desired to leave the matter entirely in the hands of the Government, and therefore refrained from making any recommendation.

As soon as it became known to me, from your letter of the 3rd ultimo, that, until a site is fixed upon, the Council will labour under certain disabilities, and will, therefore, be incapable of performing some of its functions, I considered that I was only expressing the wishes of the Council by requesting that these disabilities should be removed as soon as possible, by the determination of a site.

I regret very much that an unofficial communication of this resolution should have had the effect of inducing the Government, in its desire to meet the wishes of the Council, to abstain from carrying out that part of the Act which, as it appears, is essential to the validity of the proceedings of the Council.

I have, &c.

HENRY JOHN TANCRED,
Chancellor.

The Hon. the Colonial Secretary, Wellington.

No. 29.

The Hon. Mr. GISBORNE to Mr. TANCRED.

Colonial Secretary's Office,
Wellington, 18th August, 1871.

SIR,—

I have the honor to acknowledge, with thanks, the receipt of your letter of the 11th instant, forwarding copies of minutes of proceedings of meeting of the University of New Zealand, held in May and June last.

I have, &c.,
W. GISBORNE.

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

No. 30.

The Rev. Dr. STUART to the Hon. Mr. GISBORNE.

SIR,—

Dunedin, 16th June, 1871.

In the absence of the Chancellor of the University of Otago, I beg to bring under your notice the following representation:—

The Council of the Otago University feels aggrieved that the union of the Universities of Otago and New Zealand has been prevented by the Council of the latter University resolving not to fix upon any particular place in the Colony as the permanent site of the University, though "The New Zealand University Act, 1870," contemplated its location in Dunedin.

The Council of the Otago University considers that, in the circumstances, it has just claims to a participation in the annual endowments of £3,000 already made out from the Consolidated Revenue of the Colony for the purpose of scholarships in said University,—which shall be open for competition to the youth of the Colony,—in such proportion as the population of Otago shall bear to the European population of New Zealand.

I have, &c.,

D. M. STUART,
Vice-Chancellor of Otago.

The Hon. the Colonial Secretary, Wellington.

No. 31.

Mr. TANCRED to the Hon. Mr. GISBORNE.

SIR,—

Christchurch, 27th June, 1871.

I have the honor to inform you that the Council of this University, being impressed with the desirability of utilizing the estate set apart under an Act of the General Assembly,—the University Endowment Act,—with the least possible delay, is desirous of placing it in a position which will allow of its being let to tenants.

Before, however, this can be done, it is necessary that the lands should be properly defined, and that they should be conveyed to the University. A memorandum, No. 359, enclosed in your letter of the 3rd instant, 296, showing, so far as was then known to the Government, the position of the reserves for the University endowment, was received in Dunedin, and came under the consideration of the Council.

From that memorandum it appeared that, with the exception of certain town sections in the County of Westland, and 10,000 acres in the Province of Otago (the late Province of Southland), none of the reserves have yet been defined.

I am instructed by the Council to press upon the Government the necessity for causing the rest to be defined at the earliest possible period, and to recommend that grants should, as soon as possible, be issued in favour of the University.

I presume that, as regards those reserves which have been defined, there will be no difficulty, and I have accordingly to request that instructions may be given for the preparation of Crown grants for

these, in order to enable me, in conformity with the directions of the Council, to take preliminary steps with a view to their utilization.

With regard to the town sections in the County of Westland, I cannot find in the *Gazette* any notice of the particular pieces of land which have been set apart, and I would suggest, in case the description of them should be in the hands of the Government, that they should be gazetted at once, as this would at least enable the Council to enter into preliminary negotiations for letting them.

I observe that there are 354 acres in the Province of Auckland (Parish of Kaipara), purchased from Mr. Thompson. I presume that the title to this land is complete, and that therefore there will be nothing to prevent its being let at once.

I should be greatly obliged if you would inform me as to this point, and furnish me with a description of the land.

In those cases where the land originally intended for the University cannot be obtained, it is very desirable that new reserves should at once be particularly defined, and grants issued as soon as possible.

I have, &c.,

HENRY JOHN TANCRED,
Chancellor.

The Hon. the Colonial Secretary,
Wellington.

No. 32.

Hon. Mr. GISBORNE to Mr. TANCRED.

Colonial Secretary's Office,
Wellington, 31st July, 1871.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 27th of June, upon the subject of the lands set apart as endowments for the New Zealand University, and requesting that those lands may, in order to their more effective and immediate utilisation for the purposes for which they are reserved, be conveyed to the University.

In reply, I have the honor to refer you to the "University Endowment Act, 1868;" from the 7th and 8th sections of which, you which perceive that the reserves already, or hereafter to be, made for endowment of the New Zealand University, are to remain vested in the Crown, and subject to the management and administration of the Governor in Council.

The Act also provides how the proceeds of such lands shall be dealt with.

I have, &c.,

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

W. GISBORNE.

No. 33.

His Honor Mr. MACANDREW to the Hon. Mr. GISBORNE.

Superintendent's Office,
Dunedin, 24th July, 1871.

SIR,—

I have the honor to forward herewith resolutions passed by the Provincial Council of Otago relative to the Otago University. I have to call the attention of the Government specially to resolution 3, which sets forth the justice of applying for the benefit of the Otago University the 10,000 acres of land, set aside in the late Province of Southland for the purpose of a New Zealand University.

This request is so manifestly reasonable, that I do not anticipate any difficulty in its being complied with.

I may observe that the probable effect of the 10,000 acres in question being added to the estate of the Otago University, will be the endowment of a fifth Professorship, most likely a Chair of Medicine and Anatomy, and the establishment of a medical school in connection with Dunedin Hospital.

I have, &c.,

J. MACANDREW,
Superintendent.

The Hon. Colonial Secretary, Wellington.

Enclosure to No. 33.

(No. 77, Superintendent.)

OTAGO UNIVERSITY.

THAT whereas the efforts of the Council of the University of Otago, to carry through amalgamation with the University of New Zealand upon an equitable basis, consistent with due regard to the important trust confided to the said Council, have not been successful: and whereas the University of Otago is at present endowed exclusively from Provincial revenue, and there is a considerable amount of the Colonial revenue appropriated to the support of Universities in the Colony, this Council is of opinion:—

1. That the action of the Council of the University of Otago, in protecting and maintaining the rights and privileges entrusted to their care is highly satisfactory, and such as merits the cordial approval of this Council and the people generally.

2. That the University of Otago is justly entitled to a share of the Colonial appropriation, in proportion to the population of the Province.

3. That as the said University has been established, and is for the benefit of the Province of Otago as now constituted, the land set apart in the late Province of Southland, extending to 10,000 acres, should be considered as part of the endowments of the said University, and ought not to be diverted for the use of the University of New Zealand.

4. That the report of the Council of the University of Otago laid before this Council be printed, and that His Honor the Superintendent be requested to furnish a copy thereof to each member of the General Assembly.

That the thanks of this Council are due to the Council of the University of Otago for the stand they have taken in upholding the interests of the Provincial University, and for their efficient endeavours in filling the professional chairs. (Provincial Solicitor.)

Passed the Provincial Council, 12th July, 1871, *nem. con.*

CHAS. SMITH, Clerk of Council.

JOHN L. GILLIES.

No. 34.

The Hon. Mr. GISBORNE to His Honor Mr. MACANDREW.

Colonial Secretary's Office,
Wellington, 14th August, 1871.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 24th of July, enclosing a copy of a set of resolutions, adopted by the Provincial Council of Otago, relating to the Otago University, and calling the special attention of the Government to the third resolution, which claims, as an act of justice, the devotion to the Otago University of the ten thousand (10,000) acres of land set aside in the late Province of Southland for the purpose of the New Zealand University.

Your Honor's letter, and its enclosure, will, as well as other correspondence on the subject of the New Zealand University, be laid before Parliament on an early day after the opening of the Session.

I have, &c.,

His Honor the Superintendent, Otago.

W. GISBORNE.