

sufficient care, without the necessity for an additional test on the part of the University of New Zealand.

In the second place, it was considered that, inasmuch as the terms in the University of Otago do not correspond with those fixed for this University, such an examination, if insisted upon, might prove an inconvenience to the University of Otago.

With regard to the specific questions, as numbered, I have to reply as follows:—

1. It is intended that all matriculated students, whether holding scholarships or not, and whether attending lectures, and at affiliated institutions or not, shall be bound to present themselves annually for examination.

2. The penalty for not coming up for annual examination would be that those who failed would not be allowed admission to a B.A. degree until they had kept such additional terms as the Council might require in each case.

I have, &c.,

HENRY JOHN TANCRED,  
Chancellor.

The Hon. the Colonial Secretary, Wellington.

### Enclosure in No. 33.

#### REGULATION.

#### *Matriculated Students must present themselves for Examination.*

THAT persons who shall have matriculated shall be required to present themselves annually for examination by the University at Lent term; and if any absent themselves from such examination, or fail to pass it satisfactorily, they shall, at the discretion of the Council, be required to keep additional terms before proceeding to a B.A. degree.

### No. 34.

The Hon. W. GISBORNE to Mr. H. J. TANCRED.

SIR,—

Colonial Secretary's Office, Wellington, 4th July, 1872.

Adverting to your letters of the dates quoted in the margin, I have the honor to inform you that the regulations passed by the Council of the New Zealand University, and forwarded with the above-quoted letters, and of which copies are herewith enclosed, as per annexed schedule, shall be submitted for approval by His Excellency, and published in an early issue of the *New Zealand Gazette*.

With regard to the resolution marked B, enclosed in your letter of the 15th of April, requesting "the Governor to exercise the power conferred upon him by Act of the General Assembly, by establishing the University of New Zealand at Wellington," the Government are of opinion that, as the General Assembly are so soon to meet, and may legislate again on the subject of the New Zealand University, this resolution should not be considered until after the approaching Session of Parliament.

With regard to the Regulations for Appropriation of Funds, enclosed in your letter of 19th April last, the Government will also, for the reason alleged above, not determine upon that regulation until after the ensuing Session.

The Government are advised that Regulation A, enclosed in your letter of 15th April, providing that the powers of the Council, in certain specified matters, may be exercised by a Committee until next meeting of the Council, is invalid, as the Council cannot delegate any powers to a Committee. A Committee may, no doubt, be appointed to inquire, or to do matters not having any binding effect; but, without express legislative enactment, the Council itself must do the necessary acts, and for this purpose six members must attend. The language of the regulation would admit of the Committee doing practically all the work of the Council (except that of making regulations), even that of giving degrees, &c. It appears, however, I would submit, that the officers of the University may, without any express regulation, do much of the administrative part of the work of the Council.

The regulation enclosed in your letter of 19th April, by which the Chancellor is "empowered to make rules or orders for such matters of detail as may be required for the effectual carrying out of any of the statutes or regulations of the Council," is, as the Government are advised, of doubtful validity, and I do not, therefore, feel justified in advising His Excellency to assent to it.

With regard to the regulation enclosed in your letter of the 20th April, prescribing the terms to be kept by students before the degree of "B.A." can be conferred, the Government are advised that, as the regulation in question professes to provide that students of the University of Otago are not to be required to pass the prescribed examination, this regulation ought not to be assented to by the Governor, because the University Council have not the power to confer degrees without examination, except in the case of an *ad eundem* degree, as provided in section 13 of "The New Zealand University Act, 1870."

I have, &c.,

W. GISBORNE.

H. J. Tancred, Esq.,

Chancellor of the New Zealand University, Christchurch.

Scholarships not  
tenable after 21  
years of age.  
Nine Terms must  
be kept before  
Degree of B.A.  
Matriculated  
Students must  
present them-  
selves annually  
for Examination.