

REPORT.

IN compliance with section 16 of "The University Act, 1870," I forward a report of the proceedings of the University of New Zealand during the past year, containing an account of the income and expenditure, with the supporting vouchers, which, in the absence of the directions from the Governor required by the Act as to the mode of audit, are not audited.

The University met for the first time at Dunedin, on the 31st day of May, 1871, and adjourned on the 15th day of June, 1871.

During this meeting the Council was engaged mainly in forming the machinery necessary for giving practical effect to the intentions of the Act.

The Council regret that, owing to the continued delay on the part of the Government in confirming the regulations adopted with that object, the action of the University was necessarily suspended.

A considerable portion of the time was also occupied in communicating with the University of Otago, with a view of ascertaining whether terms could be agreed upon under which the two institutions might be amalgamated.

The full report of the proceedings on these subjects will be found in the minutes appended; also the several statutes and regulations which were made, and transmitted for the approval and sanction of the Governor.

The Council met again on the 23rd day of August, 1871, and adjourned on the 30th day of October, 1871. Again the Council were unable to make much progress (notwithstanding the great length of the session), owing to the continued delay of the Governor in confirming the regulations of the Council adopted in the previous session. The Council was paralyzed by an intimation from the Government, that there was doubt as to the legality of their proceedings so long as the University should not be established at some given place. This the Council had no power to effect, the power being committed to the Governor under section 19 of "The University Act, 1870;" also the Council felt that the framing of additional regulations, while former regulations remained unconfirmed, might be nugatory. Nevertheless, in the hope that the impediments would be finally removed, the Council did what little they could towards advancing the business before them, as will be seen by the appendix.

The Council deem it unnecessary to recapitulate the correspondence between the Government and the Chancellor during the recess, for that no additional information would be thereby conveyed to the Governor.

It suffices to observe that the Governor was advised to confirm the regulations, with a limitation, however, in regard to some of them, on an understanding that the Council would in the following session take such steps as would legalise or overcome the irregularity of qualifying a regulation.

The Council met again on the 10th day of April, 1872, at Wellington. One great difficulty in the way of their proceedings having been removed, they addressed themselves to the removal of the other. Acting on the expressed opinion of the Government, that "until the University of New Zealand shall have been established at some given place it is open to grave doubt whether as yet the Council is capable of exercising its functions in the manner and to the extent which it has purported and proposed to do," they addressed the Government recommending that the University of New Zealand should be established at Wellington. The Council took many important steps towards placing the University on a stable basis, by affiliating colleges admitting to *ad eundem* degrees making provision for examinations, and other regulations appended hereto. The Council felt itself somewhat impeded by difficulties in the interpretation of the University Act, in which they sought the assistance of the Attorney-General; they regret, however, that the communications made to the Government remain altogether unacknowledged.

In making financial arrangements, the Council have devoted as much of the funds at their disposal as was possible to scholarships, and in aid of affiliated colleges.

The income of the University ought to be capable of increase from the landed endowments, but owing to the alleged conflict of two Acts of the Assembly, namely, "The University Endowment Act, 1868," and "The University Act, 1870," a doubt has been raised by the Government whether the endowments are under the management of the Council or of the Governor; consequently they still remain unutilized. The opinion of the Attorney-General has been requested on this point also, but no answer has been received.

In regard to both points of difference between the Council and the Government, arising out of conflicting interpretations of the University Act, the Council have endeavoured, in framing regulations, to act in conformity with the opinion expressed by the legal adviser of the Government.

A former regulation admitting students in the University of Otago to the enjoyment of the New Zealand University scholarships having been deemed *ultra vires*, the Council have endeavoured to effect the desired object by regulations which, they trust, will now be held to come within the letter of the law.

Should the Government desire further information or explanation, the Chancellor is empowered to make a supplementary report.

HENRY JOHN TANCRED,
Chancellor.

Wellington, 23rd April, 1872.