

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.