

spondence on the subject was produced. I am grieved to say that this is not the case; and I am still more grieved to say that the letters which have been omitted contain really the whole gist of the question in debate, because they place the sequence of events in a clear light.

I take it for granted that Professor Macgregor, giving, as he did, his evidence at second-hand, was not aware of the existence of these letters. Had he been aware of them he would no doubt have seen that they contradict the statement made by him in answer to question 7262.

As a matter of fact, that statement is absolutely incorrect in almost every particular. I put the statements denied in inverted commas and underline them.

Barclay never "*sent in a letter to the Chancellor stating his intention to go up for honours in mental science, and also to take the LL.B. degree.*" What he did write is contained in one of the suppressed letters under date 4th April, 1879. In that letter, so far from giving notice of his intention to go up for honours in mental science, he expressly says, "I intend to present myself in November next for the LL.B. degree examinations. . . . After taking my LL.B. degree, I intend to proceed to honours; but I have not settled yet in what subject."

The Chancellor did not, "*on receipt of that*"—namely, in answer to the letter of 4th April—say that Barclay "*could not go up for honours because he had not given notice at the time of his taking the B.A. degree.*" What the Chancellor, in answer to that, did write is contained in the letter which appears in the correspondence produced, under date 25th April, 1879, and was to this effect: that the honours' examination could not be postponed beyond the time prescribed by the Regulation; Barclay must come up within the year after taking the B.A. degree, and give notice of the subject, or not at all. In the meanwhile his notice to come up for the LL.B. degree was noted.

Up to this time, then, it was quite clear that Barclay had given no notice which could be acted upon of his intention to go up for honours in any subject—at least I am not aware of any mental process by which it can be made to appear that he had done so. On the contrary, it was to be inferred that he had altogether abandoned the idea, inasmuch as he was not yet prepared to specify the subject of examination. In short, it seemed to be settled that Barclay was to go up for the LL.B. degree, and not to go up for honours either "in mental science or any other subject."

Things remained in this state till the 15th of May; but Barclay seems on that date to have suddenly changed his plans. In another letter, which has also been suppressed, he writes that "unforeseen circumstances have compelled me entirely to alter my plans," and that he now desires to leave the LL.B. and go up for honours in mental science; moreover, he expresses regret at the trouble which he is giving.

It was in reference to this change of plan that Barclay was informed that he was too late. A perfectly valid reason was given for refusing to accept the new notice. The Regulation, even when construed with the utmost laxity, could never be made to include such a case as the present. The notice could not, after the time over which the correspondence had extended, be considered, under the most liberal construction, as having been given "at the time of his passing the B.A. degree examination." I maintain, therefore, that at this stage the Chancellor would not have been justified in accepting the notice. But the prohibition contained in the Regulation was not the only reason against acceding to the application. If Professor Macgregor had read even those portions of the correspondence which he produces with greater attention than he appears to have given to them he would have seen that, independently of the instructions contained in the Regulations, there was another reason for refusing. At this stage it was physically impossible to get the necessary papers prepared. By the time that Barclay had finally made up his mind to go up for honours in mental science, the instructions to the examiners in England had been made up and despatched, and had been already some weeks on their way to their destination.

I need not, after thus showing, as I think I have shown, the extent to which Professor Macgregor has been misled in this case, go minutely into the case of the teacher, White, referred to in the answers to questions 7263 and 7276. I will therefore content myself with saying that he is as much in error on this point as upon the other.

I hope nothing that I have said will be construed into a desire to accuse Professor Macgregor of wilful misrepresentation. He has, I am sure, spoken only what he believed to be true, as he gathered from loose conversation and *ex parte* statements. The errors into which he has fallen, however, afford a good illustration of the advantages of that rule of Courts of law under which hearsay evidence is treated as untrustworthy and therefore inadmissible.

Possibly the Royal Commission might think it desirable that Professor Macgregor should be furnished with a copy of this letter.

I have, &c.,

HENRY JOHN TANCRED,

Chancellor.

The Secretary, Royal Commission on Higher Education.

No. 2.

The Acting-Secretary to the Royal Commission to Professor Macgregor.

Royal Commission on University and Higher Education,

Wellington, 12th April, 1880.

SIR,—

By request of the Secretary to the Royal Commission, I herewith forward to you copy of a letter received from the Chancellor of the University of New Zealand with reference to a portion of the evidence given by you before the Commission.

The next (and probably the last) meeting of the Commission will be held at Christchurch on the 24th instant, when Mr. Tancred's letter will be read, and any statement you may wish to make in reference thereto, if received in time, can also be read.

Any communication you have to make should, unless posted in a day or two, be addressed to "The Secretary of the Royal Commission on University Education, care of Professor Brown, Canterbury College, Christchurch."

I have, &c.,

Professor Macgregor, Otago University, Dunedin.

E. OSBORNE-GIBBES,