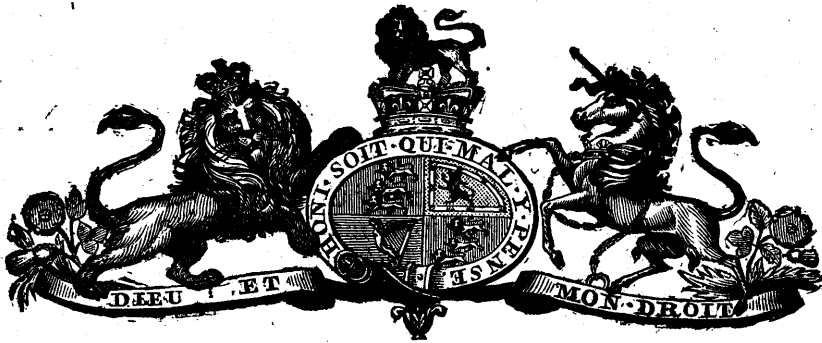


NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. LIII.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. "The New Zealand University Act, 1870," repealed.
3. Saving existing rights, &c.
4. University under the said Act to remain the University of New Zealand, and be incorporated. Property to be vested in the reconstituted University. Objects of institution.
5. Of what University consists.
6. Two Courts, Senate and Convocation.
7. Constitution of Senate.
8. Constitution of Convocation.
9. Register of graduates constituting Convocation to be kept.
10. Senate to have control of affairs of University. Power to make and alter statutes, &c.
11. Proceedings of Senate.
12. Senate to have power to appoint and remove Examiners, &c.
13. Chancellor to be custodian of seal.
14. Meetings of Senate. First meeting.</p> | <p>15. Powers vested in Convocation.
16. Senate to convene meeting of Convocation.
17. Senate to determine where Convocation to meet.
18. Notice of meeting of Convocation to be advertised. Election of Fellows.
19. Chairman of Convocation. Proceedings of Convocation.
20. Members of Senate or Convocation may vote by proxy.
21. Examinations of candidates for degrees.
22. Affiliated institutions.
23. Power to confer degrees.
24. <i>Ad eundem</i> degrees.
25. Power to grant certificates of proficiency.
26. Fees to be carried to General Fee Fund.
27. Colonial Treasurer to pay £3,000 per annum for maintaining University, &c.
28. Senate to make report in April of every year of proceedings during past year.
29. Governor to be <i>ex officio</i> Visitor.
30. Lands reserved under University Endowment Act, how to be dealt with.</p> |
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AN ACT to repeal "The New Zealand University Act, 1870," and to reconstitute the University created thereunder. Title.
[31st August, 1874.]

WHEREAS an Act intituled "The New Zealand University Act, 1870," (hereinafter referred to as "the said Act,") was passed by the General Assembly of New Zealand to promote sound learning in the Colony of New Zealand, and with that intent to establish and incorporate a University within the said colony, having perpetual succession and a common seal: And whereas a University was established under the said Act, and certain persons were appointed to be a Council by the Governor in Council, and the said Council has adopted a common seal and made statutes and regulations for the Preamble.

New Zealand University.

conduct of the business of the University, and has held examinations and performed other duties within their authority: And whereas the provisions of the said recited Act have not been found sufficient or satisfactory; and it is expedient to repeal the same, and to amend the law made on that behalf:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act shall be "The New Zealand University Act, 1874."

"The New Zealand University Act, 1870," repealed. Saving existing rights, &c.

2. "The New Zealand University Act, 1870," is hereby repealed.

3. All statutes and regulations made by the University created by the said Act in force at or immediately before the passing of this Act, shall, until they be altered or repealed hereunder, remain in force as statutes and regulations of the University as constituted by this Act; and all rights liabilities and contracts existing, and all actions and proceedings pending, at the time of the coming into operation of this Act, of by or against the University created by the said Act, shall, on the coming into operation of this Act, be vested in and attach to, and be enforced carried on and prosecuted by or against, the University as constituted by this Act; and all persons holding degrees in or being members of the University created by the said Act at the time of the coming into operation of this Act shall thereupon be deemed to hold the like degrees, or be members with the like grade or status, in the University constituted by this Act.

University under the said Act to remain the University of New Zealand, and be incorporated.

4. The body corporate established by the said Act under the name of "The University of New Zealand" shall, any alteration made by this Act in the constitution of the said body corporate notwithstanding, remain and be the University of New Zealand, and shall be a body politic and corporate by that name, and by that name shall have perpetual succession, and shall have a common seal, that is to say, the Common Seal of the University constituted by the said Act, 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.

Property to be vested in the reconstituted University.

Any property, real or personal, of which the University, as constituted under the said Act, is seized at the time of the passing of this Act, shall be the property of the University as constituted under this Act: Provided always that until the Convocation of the said University shall have been constituted as herein enacted, the said body politic and corporate shall consist of the Senate to be nominated and appointed by the Governor in Council as hereinafter mentioned: Provided further that it shall not be lawful for the said University to alienate mortgage charge or demise any lands tenements or hereditaments of which it shall become seized, or to which it may become entitled by grant purchase or otherwise, unless with the approval of the Governor in Council for the time being, except by way of lease for any term not exceeding twenty-one years for rural land and sixty years

New Zealand University.

for building land from the time when such lease shall be made; and in and by such lease there shall be the highest rent reserved that can be reasonably obtained for the lands tenements and hereditaments expressed to be thereby demised without fine.

It is hereby expressly declared and enacted that the University hereby established is so established not for the purpose of teaching, but for the purpose of encouraging in the manner hereafter provided the pursuit of a liberal education, and ascertaining by means of examination the persons who have acquired proficiency in Literature Science or Art by the pursuit of a liberal course of education, and of rewarding them by academical degrees and certificates of proficiency as evidence of their respective attainments and marks of honour proportioned thereunto.

Objects of institution.

5. The University of New Zealand shall hereafter consist of a Chancellor, a Vice-Chancellor, Fellows and Graduates.

Of what University consists.

There shall be twenty-four Fellows, including the Chancellor and Vice-Chancellor.

The persons who immediately before the coming into operation of this Act were the members of the Council of the University created by the said Act, shall on the coming into operation of this Act be Fellows, together with such other persons as the Governor in Council may appoint, not exceeding in all the said number of twenty-four.

The Graduates shall be the persons on whom the University has conferred or shall hereafter confer degrees.

6. There shall be two Courts in the University, the Senate and the Convocation, having respectively the powers hereinafter specified.

Two Courts, Senate and Convocation.

7. The Senate shall consist of the twenty-four Fellows aforesaid, and shall elect out of their own body a Chancellor and Vice-Chancellor for such period respectively, not exceeding in either case five years, as the said Senate shall fix and determine; but the persons who immediately before the coming into operation of this Act were respectively the Chancellor and Vice-Chancellor of the University created by the said Act, shall on the coming into operation of this Act be, and shall for such period as the Governor shall determine, not exceeding one year from the passing of this Act, remain respectively the Chancellor and Vice-Chancellor of the University as constituted by this Act.

Constitution of Senate.

Whenever a vacancy shall occur in the office of Chancellor or Vice-Chancellor, either by death resignation or expiration of tenure or otherwise, the said Senate shall elect out of their own body a Chancellor or Vice-Chancellor, as the case may be; and, subject to the provisions hereafter contained, all vacancies which shall occur in the said Senate, by death resignation or otherwise, shall be filled as they occur by the election of such persons as the Senate and Convocation alternately shall choose, subject to the approval of the Governor in Council—that is to say, that the Senate shall proceed to fill up by election the first vacancy that may occur, and subsequently every alternate vacancy; and the Convocation shall proceed to fill up the second vacancy and every alternate vacancy after the second, as hereinafter provided: Provided always that until a Convocation shall be duly constituted as hereinafter provided, the Governor in Council shall appoint persons to be Fellows to fill all vacancies in the Senate by death resignation or otherwise.

8. The following Graduates of the University for the time being shall constitute the Convocation of the University—that is to say, all Graduates above the degree of Bachelor and all Bachelors of two years' standing; and the Convocation shall be constituted so soon as the number of Graduates admitted upon examination, and who shall be qualified as aforesaid, shall amount to thirty.

Constitution of Convocation.

New Zealand University.

Register of graduates constituting Convocation to be kept.

9. A register of the Graduates constituting for the time being the Convocation of the said University shall be kept by such officer, and in such manner as the Senate of the said University shall from time to time appoint and direct, which register shall be conclusive evidence that any person whose name shall appear thereon at the time of his claiming to vote in Convocation is so entitled to vote. And such Graduates shall pay such reasonable annual fees in that behalf as the Senate shall from time to time direct.

Senate to have control of affairs of University.

10. The Senate shall have the entire management of and superintendence over the affairs concerns and property of the University; and in all cases unprovided for in this Act, it shall be lawful for the Senate to act in such manner as shall appear best calculated to promote the purposes intended by the University.

Power to make and alter statutes, &c.

The said Senate shall have full power to make and alter any statutes and regulations touching the examination for degrees and the granting of the same, and touching the mode and time of convening the meetings of the Senate and the meetings of the Convocation, and in general touching all other matters whatsoever regarding the University not otherwise especially provided for by this Act.

All such statutes and regulations, when approved and sanctioned by the Governor in Council, shall be reduced into writing, and the Common Seal of the University having been affixed thereto, shall be binding upon all members thereof, and all candidates for degrees to be conferred by the same: Provided always that it shall not be lawful for the said Senate to impose on any person any compulsory religious examination or test.

The production of a copy of any such statutes and regulations under the said seal shall be sufficient evidence of the authenticity of the same in all Courts of justice.

Proceedings of Senate.

11. All questions which shall come before the Senate shall be decided by the majority of the members present or voting by proxy as hereinafter provided; and the Chairman at any such meeting shall have a vote, and in case of equality of votes a second or casting vote. No question shall be decided at any meeting unless five Fellows shall be present at the time of such decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; or in the absence of both, a Chairman shall be chosen by the members present or the major part of them.

Senate to have power to appoint and remove Examiners, &c.

12. The Senate shall have full power from time to time to appoint, and as they shall see occasion to remove, all examiners, officers, and servants of the said University: Provided that such power may be delegated to the Chancellor or Vice-Chancellor by resolution of the Senate subject to or without restriction, and such delegation may in like manner be revoked.

Chancellor to be custodian of seal.

13. The seal of the University shall be intrusted to the Chancellor, and shall not be affixed to any document except by order of the Senate.

Meetings of Senate.

14. The Senate shall meet at least once in every year, at such time and place as shall be determined by the Senate at its last meeting, such place of meeting to vary from year to year; and any Fellow who shall fail to attend at two consecutive annual meetings shall cease to be a Fellow of the University, and the Senate or Convocation, as the case may be, shall proceed to elect a Fellow to fill the vacancy, as hereinbefore provided. The Governor in Council shall determine the time and place for the first meeting of the Senate.

First meeting.

Powers vested in Convocation.

15. The Convocation of the University shall have the powers following—that is to say: The power of electing a Fellow in the event of every second vacancy in the Senate by death resignation or other-

New Zealand University.

wise. The power of discussing any matter whatsoever relating to the University, and of declaring the opinion of Convocation in any such matter. The power of accepting any charter for the University, or consenting to the surrender of such charter: Provided nevertheless that the consent of the Senate shall be also requisite for the acceptance or surrender of any such charter. The power of deciding on the mode of conducting and registering the proceedings of Convocation. The power of appointing and removing a Clerk of Convocation, and of prescribing his duties.

The Convocation shall have no other or further powers than as aforesaid.

Nothing in this clause contained shall be held to restrain the Senate from accepting or surrendering any charter before Convocation shall have been constituted as hereinbefore provided.

16. The Senate shall convene a meeting of Convocation whenever a vacancy shall occur in the Senate requiring election by Convocation as hereinbefore provided, or at any other time when the Senate may think fit, or when twenty or more members of Convocation shall by writing under their hands require that such meeting shall be called.

Senate to convene meeting of Convocation.

17. The Senate shall determine where the Convocation is to meet, and shall provide a proper place for such meeting: Convocation shall not be convened twice consecutively in the same town. The proceedings of any meeting of Convocation shall be transmitted to the Senate if then sitting; and if not, to the Senate at its next meeting.

Senate to determine where Convocation to meet.

18. Notice of the meeting of Convocation shall be given by advertisement, or in such other manner as the Senate shall from time to time determine, whenever a vacancy or vacancies shall occur in the Senate requiring as hereinbefore provided the election of a Fellow or Fellows by Convocation. The Senate shall, as soon thereafter as conveniently may be, convene a meeting of Convocation; and such meeting shall proceed to elect some person or persons to be a Fellow or Fellows, and such person or persons so elected shall be a Fellow or Fellows of the University, subject to the approval of the Governor in Council. Should Convocation fail to elect within one month from the date for which it may have been convened a person to fill a vacancy in the Senate, the Senate shall fill up the vacancy.

Notice of meeting of Convocation to be advertised.

Election of Fellows.

19. A person shall be appointed by the Senate to preside at the first meeting of Convocation, and at such meeting a standing Chairman of Convocation shall be chosen by the members present, or voting by proxy as hereinafter provided, or the major part of them.

Chairman of Convocation.

The Chairman shall hold office for three years, and shall be eligible for re-election.

Should the Chairman be absent at any meeting or the office be vacant, the majority of members present shall elect a Chairman, who shall hold office during such meeting only.

On the office of Chairman becoming vacant by effluxion of time death resignation or otherwise, Convocation shall proceed to elect a Chairman as hereinbefore provided.

Proceedings of Convocation.

All questions in Convocation shall be decided by the majority of persons present or voting by proxy, as hereinafter provided; and the Chairman at any meeting shall have a vote, and, in case of equality of votes, a second or casting vote.

No question shall be decided at any meeting of Convocation unless one-fourth of the members at least shall be present: Provided that twenty members shall in any case constitute a quorum.

Any meeting of Convocation shall have power to adjourn to a future day.

New Zealand University.

Members of Senate or Convocation may vote by proxy.

20. In the event of any member of the Senate or Convocation being unable to attend at any meeting of the said Senate or Convocation respectively, such member may exercise his right of voting either by letter addressed to the Chancellor or Vice-Chancellor or by a proxy duly named by him in that behalf, in such manner as shall be fixed by any regulation to be made hereunder.

Examinations of Candidates for degrees.

21. Once at least in every year, the Senate shall cause to be held an examination of candidates for degrees; and on every such examination the candidates shall be examined by Examiners appointed for the purpose by the Senate; and on every such examination the candidates shall be examined in as many branches of general knowledge as the Senate shall consider the most fitting subjects of such examination: Provided always that no Examiner shall be eligible for re-election more than four years consecutively.

Affiliated institutions.

22. All institutions affiliated to the New Zealand University established under the said Act shall be taken and deemed to be affiliated to the University as constituted under this Act; and it shall be lawful for the Senate to make alter or amend any statutes for the affiliation to or connection with the same of any college or educational establishment in the colony to which the governing body of such college or establishment may consent: Provided always that no such statutes shall affect the religious observances or regulations enforced in such colleges and educational establishments.

Power to confer degrees.

23. The said Senate shall have power, after examination, to confer the several degrees of Bachelor, Master, and Doctor in Arts, Law, Science, Medicine, Music, and also in such other departments of knowledge, except Theology, as the said Senate by statutes and regulations in that behalf shall from time to time determine, and such reasonable fees shall be charged for the degrees so conferred as the Senate shall from time to time direct.

Ad eundem degrees.

24. The Senate shall have power to confer any of the said degrees as *ad eundem* degrees. But no *ad eundem* degree shall, without the consent of Convocation in each case, entitle the holder thereof to be or become a member of Convocation.

Power to grant certificates of proficiency.

25. The said Senate shall have power, after examination, to grant certificates of proficiency in such branches of knowledge as the said Senate shall from time to time, by statute or regulation made in that behalf, determine: And in addition to the examination of candidates for degrees, the Senate may cause from time to time to be held examinations of persons who shall have prosecuted the study of such branches of knowledge, and who shall be candidates for such certificates of proficiency as aforesaid; and on every such examination the candidates shall be examined by Examiners appointed by the said Senate. And every such candidate as shall be declared by the Examiners to be entitled to receive such certificate, shall receive from the Chancellor, or in his absence the Vice-Chancellor, a certificate under the seal of the University; and such reasonable fees shall be charged for such certificates as the Senate may from time to time direct.

Fees to be carried to General Fee Fund.

26. All fees shall be carried to one General Fee Fund for the payment of the expenses of the said University, and shall be accounted for as part of the revenue of the said University.

Colonial Treasurer to pay £3,000 per annum for maintaining University, &c.

27. The Colonial Treasurer shall every year pay out of the Consolidated Revenue the sum of three thousand pounds as a fund for maintaining the said University, and towards defraying the several stipends which may be appointed to be paid to the several Examiners officers and servants to be appointed by such University, and towards paying the expenses of such scholarships prizes and exhibitions as shall be awarded for the encouragement of matriculated members of

New Zealand University.

such University, and towards discharging all necessary charges connected with the management of the University: Provided that the annual grants made or agreed to be made to the affiliated institutions at Wellington, Auckland, and Nelson may be continued for a period not exceeding three years from the date of the passing of this Act, and that, excepting such annual grants for the three years aforesaid, no grants shall be made out of the said sum of three thousand pounds to any affiliated institution.

28. The said Senate shall, during the month of April in every year, report the proceedings of the University during the previous year to the Governor, and such report shall contain a full account of the income and expenditure of the said University, audited in such a manner as the Governor may direct; and a copy of every such report, and of all the statutes and regulations of the University, shall be laid in each year before the General Assembly.

Senate to make report in April of every year of proceedings during past year.

29. The Governor of the colony for the time being shall be the Visitor of the said University, and shall have authority to do all things which appertain to Visitors in such manner as shall be from time to time directed by the Governor, with the approval of the Senate of the said University.

Governor to be *ex officio* Visitor.

30. All lands within the Province of Otago reserved under "The University Endowment Act, 1868," or any other Act, for a Colonial University, shall be deemed to have been reserved for the University of Otago, established under an Ordinance of the Legislature of the said province, and shall be granted to such University upon such trusts as shall be specified in any Ordinance of such Legislature to be hereafter passed; and all the net proceeds from such lands or from the investment of such proceeds, after the payment of the expenses of the management of such lands, which before the grant of such lands to the said University shall have accrued, shall be paid to the said University.

Lands reserved under University Endowment Act, how to be dealt with.

The block of land in the Province of Taranaki, consisting of ten thousand acres of land, taken under the New Zealand Settlements Act, and referred to in the Schedule to the University Endowment Act, shall be defined, by Proclamation by the Governor, as soon as conveniently may be after the passing of this Act, and shall thereupon be deemed to have been reserved under the said last-mentioned Act.

The Governor in Council may make regulations for placing to a separate account the proceeds from all lands within any province other than Otago reserved under "The University Endowment Act, 1868," or any other Act, for the purposes of a Colonial University; and such proceeds, and the proceeds from the investment thereof, after the payment of the expenses of the management of such lands, shall be dealt with for promoting higher education in the respective provinces in which such reserves are situate in such manner as the General Assembly may from time to time determine. All such of the said reserves as were lands taken under the New Zealand Settlements Acts may subject to this Act be administered under "The University Endowments Act, 1868," as if the same had been ordinary waste lands of the Crown.