

New Zealand University.

ANALYSIS.

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A BILL INTITULED

AN ACT to Establish a University for the Colony of Title.
New Zealand.

WHEREAS it is expedient to promote sound learning in the Preamble.
Colony of New Zealand, and with that intent to establish and incorporate an University within the said Colony:

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

1. The Short Title of this Act shall be “The New Zealand Short Title.
University Act, 1870.”

2. A University consisting of a Council and Senate shall be University to consist
of Council and
Senate.
10 established, and when duly constituted and appointed according to the provisions of this Act, shall be a body politic and corporate by the name of “The University of New Zealand,” and by that name shall have perpetual succession, and shall adopt and have a Common Seal, and shall by the same name sue and
15 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
20 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: 5
 Provided always that until the Senate of the said University shall have been constituted as is herein enacted, the said body politic and corporate shall consist of the Council 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 10
 mortgage charge or demise any lands tenements or hereditaments of which it shall have 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 for building 15
 land from the time when such lease shall be made, and in and by such lease there shall be reserved the highest rent that can be reasonably obtained for the lands tenements and hereditaments expressed to be thereby demised without fine.

Council, by whom appointed.

3. The Council of the said University shall be nominated and 20
 appointed by the Governor in Council within six months after the passing of this Act, and shall consist of twenty Councillors, of whom twelve at least shall be laymen, and the said Council shall elect out of their own body a Chancellor and Vice-Chancellor for such period 25
 respectively, not exceeding in either case five years, as the said Council shall fix and determine; and 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 Council shall elect out of their own body a Chancellor or Vice-Chancellor as the case may be, 30
 instead of the Chancellor or Vice-Chancellor occasioning such vacancy; and all vacancies which shall occur in the said Council by death resignation or otherwise, shall be filled as they occur by the election of such persons as the Senate, to be constituted as hereinafter mentioned, shall at meetings to be duly convened for that purpose elect, or if the 35
 said Senate shall not have been constituted, such vacancies shall be forthwith reported by the Chancellor to the Governor, who shall, with the advice and consent of his Executive Council, within three months 40
 after such report, nominate and appoint persons to fill such vacancies.

Custody of Seal.

4. The Seal of the University shall be intrusted to the Chancellor, and shall not be affixed to any document except by order of the 40
 Council.

Senate, how constituted.

5. As soon as the said Council shall have reported to the Governor that the number of graduates admitted by the said University to any of the degrees of Master of Arts, Bachelor of Arts, Doctor of Medicine, Doctor of Laws, or Doctor of Music, is not less than thirty, and such 45
 report shall have been published in the *New Zealand Gazette*, the Senate shall be then constituted, and shall in the first instance consist of such graduates, all persons thereafter admitted to the like degrees becoming 50
 from the dates of their respective admissions members thereof; and the said Senate shall elect a Warden out of their own body annually or 50
 whenever a vacancy shall occur.

Questions, how decided.

6. All questions which shall come before the said Council or Senate respectively shall be decided by the majority of the members present, and the Chairman at any such meeting shall have a vote, and in case of any equality of votes a casting vote also; and no question 55
 shall be decided at any meeting of the said Council unless six members thereof be present, or at any meeting of the said Senate unless twenty members thereof be present.

Chairmanship of Council and Senate.

7. At every meeting of the Council the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; and at every 60

meeting of the Senate the Warden shall preside as Chairman; and in the absence of the Chancellor and Vice-Chancellor the members of the Council present, and in the absence of the Warden the members of the Senate present, shall elect a Chairman.

5 **8.** The said Council shall have full power to appoint and dismiss all Professors, Officers and Servants of the said University and shall have the entire management and superintendence over the affairs of the said University: Provided that the said Council shall have
10 the power of accepting an endowment of any Professorship from any person or public body, subject to the right of such person or public body, either absolutely or for a limited number of times, to nominate the Professorship, subject to the veto of the said Council, and such other conditions as may be agreed on between the said Council and
15 such person or body.

Council to have entire management of University.

9. Provided that, in the event of any member of the Council or Senate being unable to attend, either through sickness or other causes, at any meeting of the said Council or Senate, each member may exercise his right of voting either by letter addressed to the Chancellor or
20 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.

To allow vote by letter or proxy.

10. The said Council shall have full power to make and alter any statutes and regulations (so as the same be not repugnant to any
25 existing law or to the provisions of this Act) touching the discipline of the said University, the number stipend and manner of appointment and dismissal of the Officers thereof, the matriculation of students, the examinations for fellowships scholarships prizes exhibitions degrees or honors, and the granting of the same respectively, the fees to be charged
30 for matriculation or for any such examination or degree, the lectures or classes of the Professors and the fess to be demanded by them, the manner and time of convening the meetings of the said Council and Senate, and in general touching all other matters whatsoever regarding the said University: Provided always that so soon as the Senate of
35 the said University shall have been constituted, no new statute or regulation, or alteration or repeal of any existing statute, shall be of any force until approved by the said Senate.

Council to make Statutes with approval of Senate.

11. It shall be lawful for the said University to make any statutes for the affiliation to or connection with the same of any College or
40 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.

Colleges may be affiliated.

12. All such statutes and regulations as aforesaid shall be reduced
45 to writing, and the Common Seal of the said University having been affixed thereto, shall be binding upon all persons members of the said University, and upon all candidates for degrees to be conferred by the same: And the production of a verified copy of any such statutes and regulations under the said Seal shall be sufficient evidence of the
50 authenticity of the same in all Courts of Justice.

Statutes &c., upon whom binding.

13. The said Council shall have power to confer after examination the several degrees of Bachelor of Arts, Master of Arts, Bachelor of
Medicine, Doctor of Medicine, Bachelor of Laws, Doctor of Laws, Bachelor of Music, and Doctor of Music, according to the Statutes and
55 Regulations of the said University; Provided always that it shall be lawful for the said University to make such statutes as they may deem fit for the admission *ad eundem* without examination to any such degree of persons who may have graduated at any other University.

Council to confer degrees.

14. No religious test shall be administered to any person in order
60 to entitle him to be admitted as a student of the said University, or to

No religious test to be administered.

hold office therein, or to graduate thereat, or to hold any advantage or privilege thereof.

Stipends to be paid out of Consolidated Revenue.

15. 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 professors officers and servants to be appointed by such University, and towards defraying the expense of such fellowships scholarships prizes and exhibitions as shall be awarded for the encouragement of students in such University, and towards providing a library for the same, and towards discharging all necessary charges connected with the management thereof. 5 10

Council to report annually to the Governor.

16. The said Council 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 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. 15

Governor to be Visitor.

17. 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 Council of the said University. 20

Council of University of Otago may agree with New Zealand University for dissolution of Otago University.

18. The Council of the University of Otago, established by an Ordinance passed by the Superintendent and Provincial Council of the Province of Otago, is hereby empowered to contract and agree with the Council of the New Zealand University, hereby established, for the dissolution of the said University of Otago, and for the transfer of the endowments of the said University of Otago, to the Council of the said University of New Zealand, for the purposes of this Act, subject to such terms as may be agreed on between the said respective Councils consistently with the provisions of this Act, and such Councils respectively may in writing enter into such agreement accordingly, subject to the approval of the Governor in Council; and such agreement, when so approved, shall be notified in the *New Zealand Gazette*, and thereupon the said University of Otago shall, on and from a day to be fixed by the Governor in Council, and notified in such *Gazette*, be dissolved; and the endowments of the said University of Otago, transferred to the said University of New Zealand as aforesaid, shall thereupon vest in the Council of the said last-mentioned University, subject to such terms so agreed on as aforesaid. 25 30 35 40

In case of agreement, New Zealand University to be established at Dunedin; in default, at any place appointed by the Governor.

19. If the said Council of the said University of Otago shall, within six months from the passing of this Act, enter into such agreement as aforesaid for dissolving the said University, and for the transfer of its endowments, then the said University of New Zealand shall be established at Dunedin, in the said Province of Otago; or in default thereof the University of New Zealand may be founded in accordance with the provisions of this Act at such other place within the said Colony as the Governor of the Colony shall, with the advice of his Executive Council, direct: Provided always that no exclusive privileges are intended to be hereby conferred, such as would prevent the establishment hereafter of a New Zealand University at any other place or town in the Colony. 45 50