CHAPTER 13.

ACTING CHANCELLOR
Owing to the absence through illness of the Chancellor (Battye) I was acting Chancellor for four months from September 1938 to March 1939.

I also acted as Chancellor from April 10th 1940 to May 7th, 1940.

At the Senate Meeting in September 1938 Battye appeared with a number of sticking plaster patches on the back of his neck and looking very seedy. During the meeting it was evident that he was far from well and on one of Murdoch's usual foolish remarks about finance he changed colour as I had never seen him do before.

He came again to the public meeting in the Winthrop Hall addressed by Lord Lothian looking so ill that I reproached him for not staying at home in bed. He was at that time still talking about going to Melbourne on holiday.

A few days later I got a ring from him and I could tell by his voice he was in a state of alarm at the report by his Doctor who had told him that morning he was a very sick man with Carbuncle and advanced Diabetes. I told him that as Pro-Chancellor I would relieve him of any worry about University affairs and also notified Professor Ross accordingly. Ross was Acting Vice-Chancellor during Whitfield's absence in England.

I presided at the Senate meeting in October 1938 and thence forth until Battye's return in March 1939. I was busy at the time as ordinary Senate member with various projects to improve the Grounds and to utilise some of the Endowment Lands, these will be dealt with under other headings. The Senate was making the annual desperate effort to balance the Budget, otherwise matters were normal,
as Acting Chancellor I affixed the Seal to various University Documents and conferred Degrees. At the October 1938 Meeting I was called upon to confer the Degree in absentia and to seal certain documents. I did not feel too happy with my position as Pro-Chancellor for on examining the Act the only thing I could find the Pro-Chancellor could do was to preside at meetings of the Senate in the Chancellor’s absence. The Chancellor has to do many things beside presiding at meetings and I felt anxious about signing all the Degree Certificates and the possibility of these young people suffering in after years, because I had done something I was not authorised to do.

I was also then of the opinion that Battye as soon as he took sick should have appointed me Acting Chancellor.

So I took the opportunity when meeting Beasley at Whitfeld's return social, to ask him to look into the matter. He very kindly sent me his opinion (copy following this).

Condensed his opinion is that

(1) The University Act does not contain any provision authorising the appointment of an Acting Chancellor;

(2) The Pro-Chancellor may lawfully do anything the Chancellor may do provided he is authorised so to do by resolution of the Senate.

At the November Senate meeting I read a letter I had received from Battye in which he said:

"In view of my illness and of my intention to leave the State for a period of several weeks to recuperate I shall be glad if you will discharge the duties of Chancellor of the University until I am able to resume them, or until the Senate otherwise determines, such authority to date from 29th September, 1938".

The Senate carried the following resolution:

"That the Senate hereby authorises the Pro-Chancellor (Mr. W. Somerville) to perform all functions which under the University Act and
Statutes are vested in the Chancellor: this authorisation to date from 29/9/38 and to continue during the absence of the Chancellor (Dr. Batthy) or until the Senate may otherwise decide."

This resolution appears to make my powers secure and clear, but the feeling of security was short lived for in November, a few days after the Senate meeting, Stone James & Co. the University Solicitors, phoned that in their opinion it was doubtful whether the Pro-Chancellor had any authority under the Act and Statutes to sign documents under Seal. They were forwarding a written opinion. So here was the common case of one Legal Opinion contradicting another. I decided I would not sign any more documents or confer degrees until the matter was settled and Stone James & Co. were asked to report.

My refusal to act gave rise to a stormy scene created by Mr. Barblett subsequently University Senator. He had passed his examination for a Law Degree and subsequently had entered into a partnership conditionally upon receiving his degree and my refusal to so confer the degree was depriving him of earning capacity until he had the degree. He tried to storm his way past Parker into the Senate room. I offered to give him an official letter certifying that he had passed all necessary examinations and with this he had perforce to be content.

Sir Walter James, as a Senator, advised the December meeting that it had no power, in the absence of a University Statute, to authorise the Pro-Chancellor to affix the Seal to any document and suggested amended Statute to provide against a similar position again arising.

This was subsequently done and no one can again question the right of the Pro-Chancellor to sign documents or to affix the Seal when authorised to do so by the Senate. See Sub-section C of University Statute No. 2.

In December 1938 a letter was received from Professor Beasley urging the Senate to charge administration
costs to the Hackett Bequests. He argued that no Trustee was supposed to bear the cost of administering his Trust. My reply was that on balance the administration of the Hackett Bequests did not cost the University anything, on the contrary the Order of the Court, setting aside £50,000 for Maintenance and £25,000 for the payment of the Vice-Chancellor's salary, provided funds for administrative purposes far in excess of any cost of administering Hackett Bursaries, Scholarships and Students' Loans. The extra clerical labour required for this work could not cost anything like the revenue from £75,000.

If the endowment of £25,000 from Hackett Bequest for the Vice-Chancellor's salary had not been made then the salary of £1250 would have had to come out of general revenue, consequently £1250 was a contribution to administration charges. In the same way, if the endowment of £50,000 from the Hackett Bequest for maintenance of Hackett Buildings and Grounds had not been made, then the money necessary for this work would have had to come out of general revenue and consequently the interest received from £50,000 was a direct contribution to administrative charges. The revenue from the two funds combined must be far in excess of the cost of the clerical labour required to administer Hackett Bursaries, Scholarships and Students' Loans.

The argument was kept going for a considerable time. At the outset Beasley had a considerable following for easy money is always attractive even 'though to take it is immoral. But slowly the force and equity of the foregoing arguments convinced all but a few. I consulted Sir Walter James who by then had resigned from the Senate. His opinion was emphatic that to take more money for administrative charges from the Hackett Bequest would be greedy and scandalous.
A pleasant duty which fell to me as Acting Chancellor was the opening of the Institute of Agriculture. This Institute was to a large extent due to the initiative and energy of Professor J.E. Nichols who succeeded Paterson in 1935. His specialty was Animal Husbandry. After his appointment he quickly got into sympathy with the Pastoral interests and secured from them substantial gifts in cash towards the beginning of various lines of research. The building was erected by contract at a cost for building and equipment of £14,000. This was advanced by the University from the Hackett Bequest funds, the Government undertaking to refund the money with interest by periodical repayments in the same way as was provided for by Legislation for the Physics and Chemistry building. The opening ceremony took place on 27th October, 1938. I had desired to have it given an aboriginal name. I ascertained from Mr. Bray of the State Archive Board that the native name for the locality was "Boorianup". I thought that the name Boorianup Agricultural Institute would be euphonious and distinctive. When the research work done there became known over the world the name Boorianup Institute would label it as Australian beyond doubt. As it is the Institute will inevitably become known by the ugly and harsh English name of Crawley. But the Australianism of the Senate members was not sufficiently strong to combat the English Immigrant complex which shrank from so plainly an aboriginal name for a University Institution as "Boorianup". Professor J.E. Nichols wanted it called the Hackett Institute but the prevalent feeling was that the names Winthrop and Hackett were sufficiently, perhaps over, emphasised. Forrest was suggested but rejected because Forrest had never had anything to do with the University. Professor Nichols did not remain with us for long. He resigned in December 1939 to accept the position of Deputy Director of the Imperial
Bureau of Animal Breeding and Genetics, Edinburgh.

In the Senate minutes of 17th October 1938 is the following:

"The Pro-Chancellor (Somerville) raised the question of having a special body or Committee to deal specially with the management of University properties, endowments, etc. and it was decided to ask the Acting Vice-Chancellor (Ross) to make enquiries from other Australian Universities as to their method of management of their properties, endowments, etc."

I had been moved to take this action by the disastrous results of our attempts to be land speculators. This in turn had been made possible by the unfortunate University Endowment Amendment Act of 1927 which authorised the sale of Endowment Lands. The history of our purchase of Paris House and other land and mortgage deals is not flattering to anyone concerned.

The replies to Professor Ross's enquiries were not very helpful. Some Universities had no real estate and one, Sydney, had so much and of such great value that it paid to employ a highly paid Estate Agent with an office in the City.

So we had to formulate our own ideas on the subject. The result was the Investments, Endowments and Buildings Committee. This held its first meeting on 5th December 1939 when Mr. C. Diamond was elected to be Chairman. The Committee has wide powers. It can for example "set out roads, streets and open spaces, erect and maintain buildings and otherwise improve any such land as in their absolute discretion they think fit and enter into contracts involving up to £10,000.

Up to the time of writing (1946) Mr. Diamond has been re-elected annually as Chairman. The Committee has transacted a great volume of business and relieved the Senate of business it was little qualified for.

On the last occasion Sir Walter James attended a meeting of the Senate he left early. On his way to the door he passed behind my chair (I was presiding as Acting
Chancellor) and whispered to me "Push on with that Trust idea of yours Somerville and good luck". He then shook hands and left. I did not at the time see the significance of his action although it was unusual. It was in fact his farewell to the Senate.

In the Senate minutes of 19th December 1938 there is the following under the somewhat long head

"Pro-Chancellor's (Somerville) scheme for investing funds obtained from the sale of endowment lands, in the erection of a Group of Six or seven cottages along the fringe of the University Site."

This was the heading, the decision was

"The General Purposes Committee recommended general approval of the Pro-Chancellor's scheme subject to the approval of the Finance Committee."

The Finance Committee approved and the scheme was carried to a successful conclusion. It secured the strong approval of the Royal Commissioner, Mr. Justice Wolff, as a method of investing University Trust monies.

It will be referred to again under the heading of Endowment Lands.

The scheme in full is set out in the proceedings of a meeting of the General Purposes Committee held on 14th December 1938 (Page Ac 9 Acting Chancellor File)

The Chancellor, Dr. Batty, resumed office in March 1939.