

SANCTA SOPHIA COLLEGE
INCORPORATION ACT.

Act No. 45, 1929.

An Act to incorporate the Principal and Council-
lors of Sancta Sophia College; to establish
Sancta Sophia College as a College of and
within the University; to vest certain lands
in the University and to empower the
University to grant such lands to Trustees
for the purposes of Sancta Sophia College;
to vest certain lands held by trustees in trust
for the Rector and Fellows of Saint John's
College in certain other persons; to amend
the University and University Colleges Act,
1900, and certain other Acts; and for
purposes connected therewith. [Assented to,
23rd December, 1929.]

George V,
No. 45, 1929.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority
of the same, as follows:—

1. This Act may be cited as the "Sancta Sophia Short title.
College Incorporation Act, 1929."

2. In this Act, unless the context otherwise Interpreta-
tion.
requires,—

"Body corporate" means the Principal and Coun-
cillors of Sancta Sophia College, incorporated
under this Act.

"College" means Sancta Sophia Hall established as
a college of the University by this Act.

"Sancta Sophia Hall" means the building erected
on the land described in Schedule One to this
Act.

"Laymen"

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“Laymen” and “laywomen” mean and include all adult male or female persons respectively (other than persons in Holy Orders) who are members of the Roman Catholic Church in New South Wales.

Sancta
Sophia Hall.

3. (1) So soon as the Governor is satisfied that a principal and eighteen councillors for the government of Sancta Sophia Hall in accordance with the constitution thereof, as in this Act set forth, have been duly appointed and elected respectively, the same shall be notified by the Governor by proclamation in the Gazette.

(2) Immediately upon such notification and from thenceforth the principal and councillors of Sancta Sophia Hall shall be and they are hereby constituted a body corporate by the name of “The Principal and Councillors of Sancta Sophia College,” by which name the body corporate shall sue and be sued or otherwise appear, answer, and be answered.

(3) The body corporate shall have perpetual succession and a common seal.

(4) The body corporate may take and hold to them or their successors by grant, will, or otherwise in perpetuity, or for any term of life or years, as well chattels and other personal property as land, buildings, and other hereditaments, and subject to subsection five of this section alien or otherwise dispose of or demise the same or any part thereof.

Restraining
disposal of
lands derived
from the
Crown.

(5) It shall not be lawful for the body corporate or any person or persons seised of or entitled to any lands in trust for the body corporate or for the purposes of the college to alienate, mortgage, charge, or demise any lands or hereditaments granted to or in trust for the body corporate or for college purposes by His Majesty or his successors or by the University of Sydney without the consent in writing of the Governor.

(6) The body corporate may do all other things incident or appertaining to a body corporate.

Principal and
councillors to
constitute a
council.

4. (1) The body corporate shall consist of a principal and eighteen councillors, of whom six shall always be duly approved priests of the Roman Catholic Church in New South Wales and three shall be laymen and nine shall be laywomen.

(2)

(2) The eighteen councillors shall appoint the principal, who shall not be one of themselves. No. 45, 1929.

(3) The principal and councillors for the time being shall together form a council to be called "The Council of Sancta Sophia College."

(4) The government in every respect of the college and all matters relating thereto shall at all times be vested in the council.

5. The Roman Catholic Archbishop of Sydney shall be Visitor of the college with all such powers as by law appertain to the office of Visitor of a college. Visitor.

6. The principal shall always be a duly approved nun, and the council shall have power to appoint for such term as they think fit one or more vice-principal or vice-principals who in order of seniority of appointment shall in the principal's absence have all the powers and discharge all the duties of the principal. Principal and vice-principal.

7. The principal and vice-principals shall be respectively liable to removal or suspension for sufficient cause by the councillors subject to appeal to the Visitor in the manner prescribed by the by-laws. Removal or suspension.

8. (1) The first eighteen councillors shall be elected by the subscribers to the funds of the college at a meeting of the subscribers to be convened by the Visitor by notice in one or more newspapers published in Sydney at least one fortnight before the day appointed for such meeting. Election of councillors.

(2) Any vacancy in the office of councillor which occurs before there are at least twenty members of the college who are graduates of the University continuing on the books of the college shall be supplied by the remaining councillors:

Provided that the council may by by-laws prescribe that such vacancies until twenty graduates have become qualified as electors shall be supplied by the remaining Fellows and the graduates (continuing on the books of the college jointly).

(3) Any vacancy in the office of councillor which occurs after there are at least twenty members of the college who are graduates of the University continuing on the books of the college shall be supplied by the remaining councillors and the said graduates in such manner as may be prescribed by the by-laws.

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Sancta
Sophia
Hall to be a
college of and
within the
University.

9. (1) Sancta Sophia College shall be a college of and within the University of Sydney.

(2) All students in the college shall immediately upon entering the college matriculate in the said University and shall thereafter continue to be members thereof and submit and be subject to the discipline thereof and shall be required duly and regularly to attend the lectures of the University on those subjects an examination and proficiency in which are required for honours or degrees with the exception if thought fit by the council of the lectures on ethics, metaphysics, and modern history.

Power
to make
by-laws.

10. (1) The council of the college shall have power from time to time to make and establish all such by-laws and rules for carrying into effect the several provisions and objects of this Act as the council deems fit and particularly—

- (a) for declaring the causes which shall create vacancies in the office of councillors; and
- (b) directing who shall preside at meetings of the council and of the councillors; and
- (c) for the management of the college; and
- (d) prescribing the duties of the several officers thereof and of the principal and vice-principals; and
- (e) the ordering of all things in and connected with the college and the discipline thereof.

By-laws to
laid before
Parliament.

(2) Every such by-law and rule shall be transmitted to the Governor within thirty days after being made, to be by him laid before both the Houses of Parliament of the State as soon as conveniently may be thereafter.

Control over
students.

11. The principal or vice-principal of the college, subject only to the by-laws and rules so made, shall have the general superintendence and control of the students and of the institution.

Votes and
quorum at
meetings.

12. (1) The votes at all meetings of the council (except votes for the appointment of a principal) shall be taken exclusively of the person presiding unless there shall be an equality of votes, in which case he or she shall have a casting vote.

(2)

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(2) In every case where all the councillors resident within fifty miles of Sydney entitled to attend shall have had notice of the time and place of intended meeting, one clerical and two lay members of the council with the principal shall constitute a meeting of the council, and the votes and proceedings of the majority at any such meeting shall be taken and accepted as the votes and proceedings of the council or councillors respectively.

13. No temporary vacancy or vacancies in the office of principal or in the number of councillors shall be deemed in any way to affect the constitution of the college or its privileges or status as a body corporate.

Temporary vacancies not to prejudice the corporation.

14. The land described in Schedule One to this Act shall be and the same is hereby vested in the University of Sydney their successors and assigns for an estate in fee simple to be held freed from any trusts in favour of the Rector and Fellows of St. John's College but subject to the trusts mentioned in section sixteen of this Act.

Vesting in University of land described in Schedule One.

15. The land described in Schedule Two to this Act shall be and the same is hereby vested in the University of Sydney their successors and assigns for an estate in fee simple to be held freed from any of the trusts declared in Crown grant dated the sixth day of January, one thousand eight hundred and eighty, volume four hundred and eighty-six, folio one hundred and thirty-five, and Crown grant dated the tenth day of December, one thousand eight hundred and ninety-nine, volume four hundred and eighty-eight, folio one hundred and thirteen, respectively, but subject to the trusts mentioned in section sixteen of this Act.

Vesting in University of land described in Schedule Two.

16. The land described in Schedule Three to this Act being the whole of the land contained in Schedule One and the whole of the land contained in Schedule Two and hereby vested in the University of Sydney shall be held upon trust to make and execute a sub-grant of such land upon trust for the body corporate in the same manner and with the same effect in all respects as if such land were part of one of four several portions consisting of not less than eighteen acres, directed by the Crown grant of land to the University of Sydney dated

Sancta Sophia College land. Schedule Three.

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dated the eighteenth day of January, one thousand eight hundred and fifty-five, to be selected by the Senate of the said University for the purposes in the said Crown grant declared and as if such portion had lapsed so far as regards such part and as if the Governor with the advice of the Executive Council and after such lapse had nominated the Sancta Sophia Hall as a College in trust for which land or lands so set apart as aforesaid were to be subgranted subject to the provisions by the said Crown grant directed in the case of any such subgrant.

Vesting in
Trustees of
land
described in
Schedule
Four.

17. The land described in Schedule Four to this Act is hereby vested in the Most Reverend Michael Kelly, Roman Catholic Archbishop of Sydney; the Most Reverend Michael Sheehan, Coadjutor Archbishop of Sydney; the Right Reverend Monsignor Patrick Lewis Coonan of Forest Lodge, Rector General; the Very Reverend Thomas Phelan of Lewisham, Chancellor; and the Reverend Thomas Gabriel Kelleher of Camperdown, Clerk in Holy Orders, for an estate in fee simple as joint tenants to be held freed from any trusts in favour of the University of Sydney and Rector and Fellows of St. John's College, and as if such land were part of the land granted by Crown grant, dated the sixth day of January, one thousand eight hundred and eighty, volume four hundred and eighty-six, folio one hundred and thirty-four.

Modification
of subgrant
to St. John's
College.
Schedule
Five.

18. From and after the passing of this Act the subgrant of land by the University of Sydney to trustees for the Rector and Fellows of St. John's College, dated the fifth day of December, one thousand eight hundred and sixty, shall be read and construed as if the land thereby subgranted had been the land described in Schedule Five to this Act and as if the plan endorsed thereon had been omitted therefrom. In all other respects the said subgrant is hereby ratified and confirmed.

Section 35
of University
and Colleges
Act, 1900.

19. Sancta Sophia Hall being a college established and incorporated by this Act the founders of or subscribers to such college shall be deemed to have complied with the conditions mentioned in section thirty-five of the University and University Colleges Act, 1900.

Any

Any sum payable in pursuance of section thirty-six of the said Act in aid of the building fund of Sancta Sophia Hall may be paid in five equal annual instalments. The first of such instalments shall be paid on or before the thirtieth day of June next following the date of the commencement of this Act.

SCHEDULES.

SCHEDULE ONE.

LAND DIVESTED FROM ST. JOHN'S COLLEGE AND VESTED IN
UNIVERSITY UPON TRUST FOR SANCTA SOPHIA HALL.

ALL that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, having an area of 1 acre 3 roods $\frac{1}{2}$ perch, being part of 18 acres subgranted to St. John's College by the University of Sydney and being part of 126 acres granted to the University of Sydney on the 18th day of January, 1855: Commencing on the north-eastern side of Missenden-road at a point bearing 128 degrees 49 minutes 20 seconds and distant 58 feet $9\frac{1}{2}$ inches from the most westerly corner of the said 18 acres and bounded thence on the south-west by the said side of Missenden-road bearing 128 degrees 49 minutes 20 seconds for 440 feet $6\frac{1}{4}$ inches; thence on the south-east by a line bearing 42 degrees 5 minutes 30 seconds for 78 feet $11\frac{1}{4}$ inches; thence on the north-east by lines bearing respectively $33\frac{3}{4}$ degrees 13 minutes 40 seconds for 51 feet $2\frac{3}{4}$ inches, 337 degrees 41 minutes for 58 feet 11 inches, 312 degrees 34 minutes 40 seconds for 17 feet $2\frac{1}{2}$ inches, 331 degrees 50 minutes 50 seconds for 13 feet 7 inches, and 344 degrees 17 minutes for 43 feet $2\frac{1}{2}$ inches; thence again on the south-east by a line bearing 39 degrees 32 minutes 10 seconds for 21 feet $10\frac{3}{4}$ inches; thence again on the north-east by a line bearing 322 degrees 23 minutes 20 seconds for 230 feet $2\frac{1}{2}$ inches to the most easterly corner of the convent land; thence on the north-west by the north-western boundary of the said 18 acres subgrant being a fenced line bearing 245 degrees 15 minutes for 132 feet $1\frac{1}{2}$ inches and by a line bearing 218 degrees 49 minutes 20 seconds for 118 feet $3\frac{3}{4}$ inches to the point of commencement.

SCHEDULE

SCHEDULE TWO.

LAND DIVESTED FROM ST. JOSEPH'S PRESBYTERY, CAMPERDOWN, AND VESTED IN THE UNIVERSITY UPON TRUST FOR SANCTA SOPHIA HALL.

All that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, having an area of about $12\frac{1}{2}$ perches, being part of the land comprised in Certificate of Title Registered Volume 2,218, folios 10 and 11: Commencing at the most easterly corner of the land in that certificate and bounded thence on the south-east by part of the south-eastern boundary of that certificate, being a fenced line bearing 245 degrees 15 minutes for 132 feet $1\frac{1}{2}$ inches; thence on the north-west by a line bearing 38 degrees 49 minutes 20 seconds for 119 feet 1 inch to the north-eastern boundary of the said certificate of title, and thence on the north-east by that boundary of that certificate being a fenced line bearing 129 degrees 33 minutes 20 seconds for 58 feet $9\frac{1}{2}$ inches to the point of commencement.

SCHEDULE THREE.

LAND VESTED IN THE UNIVERSITY UPON TRUST FOR SANCTA SOPHIA HALL.

ALL that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, having an area of 1 acre 3 roods 13 perches being part of 18 acres subgranted to St. John's College by the University of Sydney, which 18 acres is part of 126 acres granted to the University of Sydney on the 18th day of January, 1855, together with part of the land comprised in Certificates of Title Registered Volume 2,218, folios 10 and 11: Commencing on the north-eastern side of Missenden-road at a point bearing 128 degrees 49 minutes 20 seconds and distant 58 feet $9\frac{1}{2}$ inches from the most westerly corner of the said 18 acres and bounded thence on the south-west by the said side of Missenden-road bearing 128 degrees 49 minutes 20 seconds for 440 feet $6\frac{1}{4}$ inches; thence on the south-east by a line bearing 42 degrees 5 minutes 30 seconds for 78 feet $11\frac{1}{4}$ inches; thence on the north-east by lines bearing respectively 334 degrees 13 minutes 40 seconds for 51 feet $2\frac{3}{4}$ inches, 337 degrees 41 minutes for 58 feet 11 inches, 312 degrees 34 minutes 40 seconds for 17 feet $2\frac{1}{2}$ inches, 331 degrees 50 minutes 50 seconds for 13 feet 7 inches, and 344 degrees 17 minutes for 43 feet $2\frac{1}{2}$ inches; thence again on the south-east by a line bearing 39 degrees 32 minutes 10 seconds for 21 feet $10\frac{3}{4}$ inches; thence again on the north-east by a line bearing 322 degrees 23 minutes 20 seconds for 230 feet $2\frac{1}{2}$ inches to the most easterly corner of the convent land; thence on the north-east by part of a south-western boundary of the said 18 acres subgrant being a fenced line bearing 309 degrees 33 minutes 20 seconds for 58 feet $9\frac{1}{2}$ inches; and thence on the north-west by a line bearing 218 degrees 49 minutes 20 seconds for 237 feet $4\frac{3}{4}$ inches to the point of commencement.

SCHEDULE

SCHEDULE FOUR.

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LAND DIVESTED FROM ST. JOHN'S COLLEGE AND VESTED IN ST. JOSEPH'S
PRESBYTERY, CAMPERDOWN.

All that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, having an area of about $12\frac{1}{2}$ perches being part of 18 acres subgranted to St. John's College by the University of Sydney, and being part of 126 acres granted to the University of Sydney on the 18th day of January, 1855 : Commencing on the north-eastern side of Missenden-road at the most westerly corner of the said 18 acres and bounded thence on the north-west by the north-western boundary of the said 18 acres being a fenced line bearing 65 degrees 15 minutes for 132 feet $1\frac{1}{2}$ inches ; thence on the south-east by a line bearing 218 degrees 49 minutes 20 seconds for 118 feet $3\frac{3}{4}$ inches to Missenden-road ; and thence on the south-west by the north-eastern side of Missenden-road bearing 308 degrees 49 minutes 20 seconds for 58 feet $9\frac{1}{2}$ inches to the point of commencement.

SCHEDULE FIVE.

RESIDUE OF ST. JOHN'S COLLEGE LAND.

All that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and State of New South Wales, having an area of 16 acres and $25\frac{3}{4}$ perches being part of the subgrant of 18 acres from the University of Sydney to St. John's College and being part of the grant of 126 acres to the University of Sydney dated the 18th day of January, 1855 : Commencing on the north-eastern side of Missenden-road at the most southerly corner of the said 18 acres, and bounded thence on the south-west by that side of Missenden-road bearing 335 degrees 39 minutes 50 seconds for 10 feet $5\frac{1}{2}$ inches and 308 degrees 49 minutes 20 seconds for 441 feet to Sancta Sophia's College land ; thence on the north-west by a south-eastern boundary of that land bearing 42 degrees 5 minutes 30 seconds for 78 feet $11\frac{1}{4}$ inches ; thence again on the south-west by north-eastern boundaries of that land bearing respectively 334 degrees 13 minutes 40 seconds for 51 feet $2\frac{3}{4}$ inches, 337 degrees 41 minutes for 58 feet 11 inches, 312 degrees 34 minutes 40 seconds for 17 feet $2\frac{1}{2}$ inches, 331 degrees 50 minutes 50 seconds for 13 feet 7 inches, and 344 degrees 17 minutes for 43 feet $2\frac{1}{2}$ inches ; thence again on the north-west by a south-eastern boundary of that land bearing 39 degrees 32 minutes 10 seconds for 21 feet $10\frac{3}{4}$ inches ; thence again on the south-west by north-eastern boundaries of that land bearing respectively 322 degrees 23 minutes 20 seconds for 230 feet $2\frac{1}{2}$ inches and along a fenced line bearing 309 degrees 33 minutes 20 seconds for 342 feet $9\frac{1}{2}$ inches to the south-eastern building line of Parramatta-road ; thence on the north-west by that building line bearing 65 degrees 5 minutes for

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327 feet 5 inches and 67 degrees 55 minutes for 142 feet $2\frac{1}{2}$ inches ; thence on the north-east by a fenced line passing through the centre of the top of a stone pillar at Parramatta-road and bearing 109 degrees 4 minutes 40 seconds for 666 feet $3\frac{1}{2}$ inches ; thence on the north-west by a line passing along the remains of an old fence and bearing 76 degrees 31 minutes 20 seconds for 74 feet 7 inches ; thence on the north-east by lines bearing 135 degrees 31 minutes 20 seconds for 88 feet $5\frac{1}{4}$ inches, and 173 degrees 41 minutes 20 seconds for 204 feet $11\frac{1}{2}$ inches to the south-eastern boundary of the said 18 acres subgrant ; and thence by that boundary being a fenced line bearing 214 degrees 51 minutes 20 seconds for 794 feet $6\frac{1}{2}$ inches to the point of commencement.
