

Sancta Sophia College Incorporation Act 1929

No 45

[1929-45]



New South Wales

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Sancta Sophia College Incorporation Act 1929 No 45



New South Wales

An Act to incorporate the Principal and Councillors 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.

1 Name of Act

This Act may be cited as the [Sancta Sophia College Incorporation Act 1929](#).

2 Definitions

In this Act, unless the context otherwise requires:

Body corporate means the Principal and Councillors 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 1.

3 Sancta Sophia Hall

- (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.

Editorial note—

For notification under this subsection, see Gazette No 28 of 7.3.1930, p 1119.

- (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 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 (5) alien or otherwise dispose of or demise the same or any part thereof.
- (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.

4 Principal and councillors to constitute a council

- (1) The body corporate is to consist of a principal and 15 councillors, of whom 3 are to be duly approved priests of the Roman Catholic Church in New South Wales.
- (2) The councillors shall appoint the principal, who shall not be one of themselves.
- (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 Visitor

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.

6 Vice-principal

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.

7 Removal or suspension

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.

8 Vacancies

Any vacancy in the office of councillor shall be supplied, in such manner as may be prescribed by the by-laws, by the remaining councillors and those members of the college who are graduates of the University continuing on the books of the college.

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

- (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.

10 Power to make by-laws

- (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.
- (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.

11 Control over students

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.

12 Votes and quorum at meetings

- (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) In every case where all the councillors entitled to attend shall have had notice of the time and place of intended meeting, 6 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 Temporary vacancies not to prejudice the corporation

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.

14 Vesting in University of land described in Schedule 1

The land described in Schedule 1 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 16.

15 Vesting in University of land described in Schedule 2

The land described in Schedule 2 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 16.

16 Sancta Sophia College land

The land described in Schedule 3 being the whole of the land contained in Schedule 1 and the whole of the land contained in Schedule 2 and hereby vested in the University of Sydney shall be held upon trust to make and execute a subgrant of such land upon trust for the body corporate in the same manner and with the same effect in all respects as of 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 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.

17 Vesting in Trustees of land described in Schedule 4

The land described in Schedule 4 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.

18 Modification of subgrant to St. John's College

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 5 and as if the plan endorsed thereon had been omitted therefrom. In all other respects the said subgrant is hereby ratified and confirmed.

19 (Repealed)

Schedule 1 Land divested from St. John's College and vested in the University upon trust for Sancta Sophia College

All that piece or parcel of land containing by admeasurement 2 acres 3 roods 6½ perches or thereabouts situated in the parish of Petersham, county of Cumberland, and State of New South Wales, be the hereinafter several dimensions a little more or less, being part of 18 acres sub-granted to St. John's College by 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 48 feet 9½ inches from the north-western extremity of the frontage to that road of said 18 acres, and bounded thence on the south-west by the north-eastern side of Missenden-road bearing 128 degrees 49 minutes 20 seconds 427 feet 6 inches; thence on the south-east by a line bearing 38 degrees 49 minutes 20 seconds 91 feet 9 inches; thence on the north-east by lines respectively bearing 334 degrees 14 minutes 20 feet 9¼ inches, 337 degrees 41 minutes 58 feet 11 inches, 312 degrees 34 minutes 17 feet 2½ inches, 331 degrees 51 minutes 13 feet 7 inches, and 344 degrees 17 minutes 23 feet; thence again on the south-east by a line bearing 38 degrees 49 minutes 97 feet; thence again on the north-east by lines respectively bearing 317 degrees 39 minutes 275 feet and 330 degrees 23 minutes 258 feet 10 inches to the Parramatta-road; thence on the north-west by the south-eastern side of that road bearing 245 degrees 5 minutes 158 feet 7¼ inches to the south-western extremity of the frontage to that road of the said 18 acres; thence on the south-west by a south-western boundary of the said 18 acres, being a fenced line bearing 129 degrees 33 minutes 20 seconds 342 feet 9½ inches, and thence again on the north-west by part of a north-western boundary of the said 18 acres being a fenced line bearing 245 degrees 15 minutes 163 feet 2 inches and by a line bearing 216 degrees 25 minutes 90 feet 7 inches to the point of commencement.

Schedule 2 Land divested from St. Joseph's Presbytery, Camperdown, and vested in the University upon trust for Sancta Sophia College

All that piece or parcel of land containing by admeasurement $21\frac{3}{4}$ perches or thereabouts situated in the parish of Petersham, county of Cumberland, and State of New South Wales, be the hereinafter several dimensions a little more or less, being part of land comprised in Certificates of Title Registered Volume 2,218, Folios 10, 11 and 12: Commencing at the most easterly corner of the land in Certificate of Title Registered Volume 2,218, Folio 11, and bounded thence on the south-east by the south-eastern boundaries of the land in Certificates of Title Volume 2,218, Folios 11 and 10, and by part of the south-eastern boundary of the land in Certificate of Title Volume 2,218, Folio 12, being a fenced line bearing in all 245 degrees 15 minutes 163 feet 2 inches; thence on the north-west by a line bearing 36 degrees 25 minutes 147 feet 3 inches to the north-eastern boundary of the land in Certificate of Title Volume 2,218, Folio 11; and thence on the north-east by that boundary of that land bearing 129 degrees 33 minutes 20 seconds 78 feet $9\frac{1}{2}$ inches to the point of commencement.

Schedule 3 Land vested in the University upon trust for Sancta Sophia College

All that piece or parcel of land containing by admeasurement 2 acres 3 roods $19\frac{3}{4}$ perches or thereabouts situated in the parish of Petersham, county of Cumberland, and State of New South Wales, be the hereinafter several dimensions a little more or less, being part of 18 acres sub-granted 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, 11, and 12: Commencing on the north-eastern side of Missenden-road at a point bearing 128 degrees 49 minutes 20 seconds and distant 48 feet $9\frac{1}{2}$ inches from the north-western extremity of the frontage to that road of the said 18 acres, and bounded thence on the south-west by the north-eastern side of Missenden-road bearing 128 degrees 49 minutes 20 seconds 427 feet 6 inches; thence on the south-east by a line bearing 38 degrees 49 minutes 20 seconds 91 feet 9 inches; thence on the north-east by lines respectively bearing 334 degrees 14 minutes 20 feet $9\frac{3}{4}$ inches, 337 degrees 41 minutes 58 feet 11 inches, 312 degrees 34 minutes 17 feet $2\frac{1}{2}$ inches, 331 degrees 51 minutes 13 feet 7 inches, and 344 degrees 17 minutes 23 feet; thence again on the south-east by a line bearing 38 degrees 49 minutes 97 feet; thence again on the north-east by lines respectively bearing 317 degrees 39 minutes 275 feet and 330 degrees 23 minutes 258 feet 10 inches to the Parramatta-road; thence on the north-west by the south-eastern side of that road bearing 245 degrees 5 minutes 158 feet $7\frac{1}{4}$ inches to the south-western extremity of the frontage to that road of the said 18 acres; thence on the south-west by a south-western boundary of the said 126 acres being a fenced line bearing 129 degrees 33 minutes 20 seconds 264 feet; and thence on the north-west by a line bearing 216 degrees 25 minutes 237 feet 10 inches to the point of commencement.

Schedule 4 Land divested from St. John's College and vested in St. Joseph's Presbytery, Camperdown

All that piece or parcel of land containing by admeasurement 8 perches or thereabouts situated at Camperdown, in the parish of Petersham, county of Cumberland, and State of New South Wales, be the hereinafter several dimensions a little more or less, being part of 18 acres sub-granted to St. John's College by the University of Sydney, and being part of 126 acres granted to the University of Sydney on 18th day of January, 1855: Commencing on the north-eastern side of Missenden-road at the north-

western extremity of the frontage to that road of the said 18 acres, and bounded thence on the north-west by part of the north-western boundary of the said 18 acres, being a fenced line bearing 65 degrees 15 minutes 101 feet 1 inch; thence on the south-east by a line bearing 216 degrees 25 minutes 90 feet 7 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 48 feet 9½ inches to the point of commencement.

Schedule 5 Residue of St. John's College land

All that piece or parcel of land containing by admeasurement 15 acres 0 roods 24¼ perches or thereabouts situated at Camperdown, in the parish of Petersham, county of Cumberland, and State of New South Wales, be the hereinafter several dimensions a little more or less, 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 339 degrees 39 minutes 50 seconds 10 feet 5½ inches and 308 degrees 49 minutes 20 seconds 464 feet to Sancta Sophia College land; thence on the north-west by a south-eastern boundary of that land bearing 38 degrees 49 minutes 20 seconds 91 feet 9 inches; thence again on the south-west by north-eastern boundaries of that land respectively bearing 334 degrees 14 minutes 20 feet 9¾ inches, 337 degrees 41 minutes 58 feet 11 inches, 312 degrees 34 minutes 17 feet 2½ inches, 331 degrees 51 minutes 13 feet 7 inches, and 344 degrees 17 minutes 23 feet; thence again on the north-west by a line bearing 38 degrees 49 minutes 97 feet; thence again on the south-west by lines respectively bearing 317 degrees 39 minutes 275 feet and 330 degrees 23 minutes 258 feet 10 inches to the south-eastern building line of Parramatta-road; thence on the north-west by that building line bearing 65 degrees 5 minutes 168 feet 10 inches and 67 degrees 55 minutes 142 feet 2½ 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 666 feet 3½ inches; thence on the north-west by a line passing along the remains of an old fence bearing 76 degrees 31 minutes 20 seconds 74 feet 7 inches; thence on the north-east by lines bearing 135 degrees 31 minutes 20 seconds 88 feet 5¼ inches and 173 degrees 41 minutes 20 seconds 204 feet 11½ 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 794 feet 6½ inches to the point of commencement.