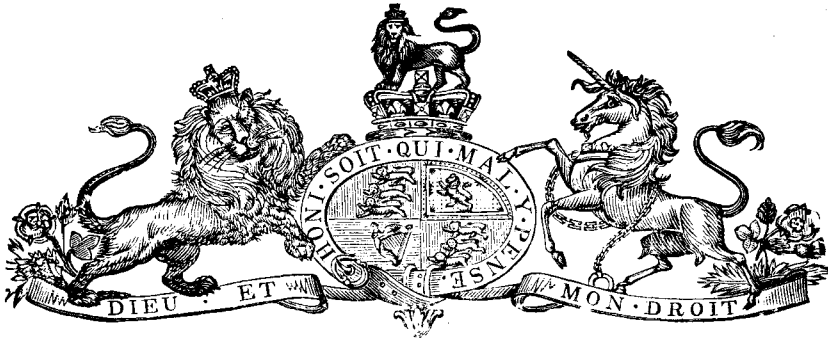


# TASMANIA

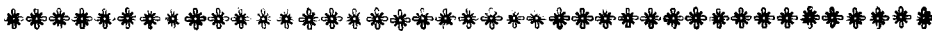


1902.

ANNO SECUNDO

EDWARDI VII. REGIS,

No. 48.



AN ACT to consolidate and amend the Law A.D. 1902.  
relating to "The Baptist Union of *Tasmania*," and concerning the Trusts of certain  
Real and Personal Property.

[20 December, 1902.]

**W**HEREAS by "The Baptist Union Incorporation Act, 1888," PREAMBLE.  
"The Baptist Union of *Tasmania*" was incorporated, and provision  
was made concerning the trusts of certain real and personal property :

And whereas it has become desirable and expedient to consolidate  
and amend the law relating to the said Union, and concerning the  
said trusts and property :

And whereas the present constitution of the Union is set forth in  
Schedule (A.) hereto :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows :—

**1** The short title of this Act is "The Baptist Union Act, 1902." Short title.

**2** In the interpretation of this Act and the Schedules thereto the Interpretation.  
following terms shall have the meanings hereinafter assigned to them,  
unless inconsistent with the subject or context :—

The term "said Act" shall mean "The Baptist Union Incorporation Act, 1888 :"

1s. 4d.]

*Baptist Union.*

A.D. 1902.

The term "Church" means Five or more male persons of the age of Twenty-one years or over, with or without other persons male or female, all of whom shall have given, in accordance with the By-laws of the Union, credible testimony to that change of heart called in the Scriptures Regeneration or New Birth, and shall have had their whole body baptized in water on a profession of that change, such persons being united for Christian fellowship and work in any place in *Tasmania*, and having as regular recognised officers One or more of Bishops or Pastors and of Deacons, and holding as general tenets the doctrines set forth in the Schedule (B.) hereto. And throughout this Act the word "Church" refers to the Churches severally in different localities who may seek to take advantage of this Act for the purpose of conveying or transferring their real and personal property to the Union, or of adopting the Union Trusts:

The term "Union" shall mean the Baptist Union of *Tasmania* :

The term "Union Trusts" shall mean the Trusts set out in Schedule (C.) hereto and the modifications thereof as the same may, in accordance with the provisions of this Act, be from time to time altered or amended :

The term "The Baptist Church of *Tasmania*" shall mean all the individual Churches and Baptist persons united in or associated with the Union as distinguished from the Union, the statutory corporate body created by this Act :

The term "Assembly" shall mean the representative Assembly of officers and members elective or otherwise of the Union, however designated, as the same Assembly shall be from time to time constituted in accordance with the internal constitution and By-laws of the Union :

The term "Council" shall mean the executive body of the Union as the same Council shall be from time to time constituted in accordance with the internal constitution and By-laws of the Union :

The term "By-law" shall mean and include Law, Rule, Regulation, Act, or Resolution of the Assembly duly passed in accordance with the constitution thereof.

The Baptist  
Union incor-  
porated.

**3** All persons who are or who may, in accordance with the constitution for the time being thereof, hereafter become members of the religious body or denomination in *Tasmania* holding as their general tenets the doctrines set forth in the Schedule (B.) hereto, and who now or hereafter constitute the Association called "The Baptist Union of *Tasmania*," shall from henceforth be a body corporate by the name of "The Baptist Union of *Tasmania*," and shall have perpetual succession and a Common Seal, and under that name may exercise all the powers, rights, and privileges possessed at law by bodies corporate, and under the same name may sue and be sued,

*Baptist Union.*

prosecute and defend, and take all other proceedings in all Courts, Civil and Criminal. A.D. 1902.

And it shall be further lawful for the said body corporate (hereinafter referred to as "the Union") to take, purchase, receive, hold, and enjoy real and personal property of any description whatsoever, and either subject to trusts or absolutely; and also to sell, grant, convey, demise, or otherwise dispose of, either absolutely or by way of mortgage or in any other manner which the Council, subject to the By-laws of the Union, shall deem expedient or proper, any of the property real or personal belonging to the Union, and generally to exercise, subject to the provisions of this Act, all powers incident to a body corporate. May hold property ;  
and deal with same.

And the Council shall have the custody and use of the Common Seal of the Union, and a majority of the members of such Council present at any meeting shall have power, subject to the said By-laws, to use or direct the use of such Seal for all purposes for which the use of such Seal is required. Seal.

The Seal shall only be affixed by virtue of a Resolution of the said majority, and in the presence of Two members of the Council and the Secretary or the President for the time being of the Union, and the said Two members and the Secretary or President shall sign their names to the document to which the Seal has been affixed. How used.

**4** No Church shall be admitted into the Union the constitution or rules of which shall, after the date of application for such admission into the Union, permit or allow persons to enter or be received into its membership other than such as have been baptized (immersed) on a profession of their personal faith. Restriction on admission of Churches into Union.

**5—(1.)** All persons who now hold or in whom are vested any real or personal property as Trustees in trust for the said religious body or denomination called Baptists, or for any Church or Association connected therewith or designated or commonly reputed a Baptist Church or Association by reason of its teachings and practice of Believers, Baptism, or otherwise, although the same may not come within the definition of "Church" given in this Act, or for any persons associated for religious purposes under the name "Baptists," shall, subject to the provisions hereinafter contained, convey or transfer the same to the Union under and subject to the Union Trusts: Provided, that by agreement between the Council and the said Trustees the same may be transferred to the Union, either absolutely or upon such other special trusts, subject to and not contravening the provisions of this Act as may be approved by the said Trustees and by the Assembly. Trustees of land, &c., held in trust for Baptists empowered to convey to Union on Union Trusts.

**(2.)** If any of the said Trustees shall at the time of the execution of any such conveyance or transfer be absent from *Tasmania*, or cannot be found, or neglect, or is unable or incapable from any cause whatever to execute such conveyance or transfer, then and in every such case any of his Co-trustees may act as his Attorney, and sign and execute any such conveyance and any other document necessary in that behalf for every such Trustee as aforesaid, and such signature Co-trustee may act as Attorney.

*Baptist Union.*

A.D. 1902.

Where no  
Trustees, &c.

and execution shall have the same effect as if the conveyance or such other document was signed and executed by such first mentioned Trustee.

(3.) If any sole surviving Trustee is absent from *Tasmania*, or cannot be found, or refuse or neglect or is unable or incapable from any cause whatever to execute such conveyance or make such transfer, or if there be no Trustee, then and in every and any such case it shall be lawful for the Council, by Resolution, to nominate any Two members of such Council to execute a Deed or transfer to convey or transfer any real or personal property to the Union; and when and so soon as the said Deed or transfer shall have been executed by the said Two members, then the said property shall be deemed to be vested in the Union according to the tenor thereof.

No conveyance to  
be made until  
consent, &c. of  
majority of  
Church members  
obtained.

**6** When there is an existing Church interested in any real or personal property, then such Trustees shall not make any such conveyance or transfer as aforesaid of the said real or personal property to the Union, nor shall the said Deed Poll be executed until there has been first obtained the consent and direction of the majority, as hereinafter defined, of the Church members in trust for whom such property is held present at a meeting duly convened, as hereinafter mentioned, for that object.

Consent, how  
obtained.

And such meeting shall be called by a notice stating the object of such meeting, together with the day, hour, and place of holding such meeting, which notice shall be signed by the Pastor for the time being, or in case of his neglect for Fourteen days or refusal after request in writing made by Five members of the Church to sign such notice, or in case of there being no Pastor, then by the same number of members, and such notice shall be posted on the door of the Church building used for public worship or in connection with the said property at least Two consecutive *Sundays* immediately preceding the day on which such meeting shall be appointed to take place, and shall, if practicable, be read during some part of each of the public services held on the same Two *Sundays* in such Church building; and no direction or consent shall be considered to have been given until such meeting shall have been called in the way prescribed, and a Two-thirds majority of the Church members present and voting at such meeting shall have passed a Resolution directing such conveyance to be made. The said direction and consent shall be signed by the Chairman of the said meeting, or by some other person deputed by the said meeting for such purpose, and when so signed shall be irrevocable.

Members entitled  
to vote.

**7** Only the members present at any such meeting of the age of Twenty-one years and upwards shall be allowed to vote. And no person who shall not have been a member of the Church in good standing for the space of Three months immediately prior to such meeting shall be entitled to vote or take any part in the business of such Church meeting, except a duly-authorized representative of the Council, who may, by permission of the Chairman or meeting, address the meeting.

*Baptist Union.*

**8** The Chairman of every such meeting as aforesaid shall be the Pastor of the Church, or in the case of his refusal, absence, or incapacity, or of there being no Pastor, then a person chosen by the major part of the Members present and voting at the meeting. And the Chairman of such meeting shall have a deliberative vote, and in case of an equality of votes on any question, shall have a casting vote.

A.D. 1902.

Who to be Chairman of Meeting.

**9** When there is any property held or vested in any Trustees in trust as mentioned in Section Five, and if there is no organised Association of persons as aforesaid using such property for the conduct of religious services after the usages of Baptists, nor any Church using it as aforesaid, or if meetings of any such Association or Church as aforesaid, recognised by such Trustees and entitled to such property under the trusts thereof, have not been continuously held at regular periodical intervals not exceeding Three months for religious exercises after the usages of Baptists during a period of Two years immediately preceding the notice hereinafter mentioned, then and in every such case the Trustees shall, within Three months after notice in writing from the Council, execute a conveyance of such property to the Union, and such property, when conveyed, shall be held upon the Union Trusts: Provided that in every such case that if there is any debt secured upon the said property for which the Trustees are personally liable the same shall be paid off, or the Trustees otherwise indemnified, or discharged in respect thereof before such conveyance is made.

Procedure where no Church, &amp;c., existing.

Provided also, that it shall be competent for the Council to apply from time to time to the Supreme Court, or to a Judge thereof, by Petition or Summons, for an order directing the Trustees of any such property as aforesaid to convey or transfer the same to the Union in accordance with the provisions of this Act; and the Supreme Court, or a Judge thereof, if satisfied that such Trustees have not shown sufficient cause why they should not convey or transfer such property to the Union, shall make an Order directing such Trustees to convey or transfer such property to the Union. And in every such case the Supreme Court, or a Judge thereof, may make such order as to the payment of costs as to the Court or to a Judge thereof appears just.

Union may apply to Court.

**10** Where any property is held by the Union upon the trusts set out in Schedule (C.) to the said Act, or upon special trusts, as mentioned in Section Five of this Act, the Council may, with the consent of the Church (if any) ascertained as provided in Section Six hereof, and in all other cases by direction of the Assembly by Deed Poll executed as provided in Section Five hereof, declare that the same property shall ever thereafter be held upon the Union Trusts, and thereupon all other trusts affecting the same shall cease and determine, and the property therein described shall be held upon the Union Trusts alone. And such Deed Poll shall be deemed sufficiently stamped if stamped with a Five Shilling Deed stamp.

Property may be conveyed and held upon the Union Trusts.

*Baptist Union.*

A.D. 1902.

Indemnity to the  
Union and to  
Trustees.

**11** Neither the Union nor any Trustee who shall, in accordance with the provisions of this Act, do or execute or join in doing or executing any act, deed, conveyance, transfer, or assurance, or other matter or thing necessary to vest any real or personal property in the Union, or to change the Trusts thereof, and *bonâ fide* done in or about the premises, shall incur any liability in respect thereof, and the Union and every Trustee is hereby released and discharged from all actions, suits, claims, and demands in respect thereof.

The Assembly  
may make By-  
laws.

**12** It shall be lawful for the Assembly, from time to time, in accordance with the provisions of the Constitution thereof for the time being, to enact, amend, and repeal By-laws for the government and regulation or furtherance of—

- i. The Baptist Churches of *Tasmania*, being constituents of the Union :
- ii. The affairs and property thereof :
- iii. The status and qualifications and duties of Bishops or Pastors, and of Home and Foreign Missionaries, and of Officers of the Union and of the Churches thereof :
- iv. The affairs, procedure, business, and property of the Union :
- v. The objects of the Union, or any of them, as the same may from time to time be defined by the Constitution thereof.

And all such By-laws, so far as the same shall be consistent with law and with the provisions of this Act and the Schedules thereto, shall be deemed to be incorporated with this Act, and shall be of the same force and effect as if the same were expressly enacted therein.

Operation where  
property not held  
under Union  
Trusts.

Provided always, that no By-law for the government or regulation of the Church, or the affairs or property of any Church the property of which Church shall not be held under the Union Trusts, shall be binding thereon until a majority of the Church members present, and voting thereon, shall have consented to such By-law. And upon such consent being notified by the Secretary of the Church to the Secretary of the Union, the said By-law shall have the same force and effect as if such property were held upon the Union Trusts, and shall continue in force until the same By-law be amended or repealed by the Assembly, and that notwithstanding that the same may be contrary to or override the existing trusts of the property of such Church.

Assembly may  
raise money from  
Churches, &c.

**13** It shall be further lawful for the Assembly to raise money from all or any of the Churches, Stations, Pastors, Missionaries, and agents of or employed by the Union, in such manner and for such purposes as the Assembly may by By-law determine.

Proof of By-  
laws, Minutes, &c.

**14** A copy of any By-law, and of any document notifying the content thereto of any Church whose property shall not be held upon the Union Trusts, and of the minutes of the Assembly and Council and of any Church, purporting to be certified by the Secretary or President of the Union to be a true copy of such By-law, minute, or document shall be received in all Courts, and in all legal proceedings whatsoever

*Baptist Union.*

as *prima facie* evidence of such By-law, minute, or document, or consent, and of the same having been duly made or given, and of the matters, acts, and proceedings of the Assembly, or Council, or Church recorded therein; and the Secretary of the Union is hereby empowered, and required to supply upon demand, and upon the payment of the fee (if any) prescribed by the Council, a certified copy of any such By-law to every person who shall apply to him for it.

A.D. 1902.

**15** No By-law shall be invalidated by reason of any informality in the mode of election, or the non-election, of any member of the Assembly, or the absence of members who may have been elected or summoned, or, after the lapse of one year from the passing thereof, be invalidated by reason of any irregularity or informality in the passing thereof, or in the consent (if any) given thereto.

Technical informalities cured.

**16** All real and personal property hereafter acquired, granted, or devised, or otherwise assured or conveyed, either to trustees or otherwise, for the use or benefit of any Church or Mission, being a constituent of the Union or otherwise a Baptist Church or Mission, or for the use of or benefit of the Union, or for Baptists generally, shall (save as regards "The Baptist Union Sustentation Fund" mentioned in Section Ten of the said Act) be subject to the provisions of this Act.

Future property to be subject to this Act.

**17** All property hereafter acquired by the Union, shall, subject to the provisions of Section Five of this Act, be held by the Union, upon the Union Trusts, unless the donor of any property shall make it a condition precedent to the acceptance or enjoyment of such property, that the same shall be otherwise held.

Future property acquired by the Union to be held on Union Trusts.

**18** It shall be lawful for the Assembly at any time to effect a federation, for any defined purpose or purposes, of the Union and its constituents with any one or more of the Baptist Unions in any one or more of the Australian States, or may unite in Home and Foreign Mission work with any other Baptist Society or Societies, in any place or places, or may receive as constituent members any one or more of the Baptist Churches having the like restrictions and conditions of membership in any of the Australian States, upon such terms and conditions as the Assembly shall determine; and notice of the consummation of such federation, union, or reception published in the *Hobart Gazette*, and purporting to be signed by the President of the Union, shall be *prima facie* evidence of such having been effected, and of all other facts therein stated: Provided always, that all and every the real and personal property of the Union, and of each of the Churches and constituents of the Union, shall continue to be held by the Union, or the person or persons in whom the same shall then, or may thereafter, be vested in trust for the said Union and the several Churches and constituents thereof, upon the same trusts, and in the same manner in every respect, as if such federation, union, or reception had not been effected, and shall continue to be held subject to the provisions of this Act.

The Union may federate with other Australian Unions, &amp;c.

*Baptist Union.*

A.D. 1902.

The Union Trusts  
and doctrines may  
be altered.

**19** The Union Trusts or any Clause thereof, and the Doctrines in Schedule (B.) or any of them, may from time to time be added to, omitted, amended, or altered: Provided that no such addition, omission, amendment, or alteration shall be made except by By-law duly passed by a majority of not less than Nine-tenths of the members of the Assembly present and voting thereon, and confirmed by a like majority at a subsequent Session of the Assembly held not less than Eleven months thereafter: Provided also that no such By-law shall be passed by the Assembly unless and until notice in writing shall have been given by the Secretary of the Union to each of the Churches of the Union, at least Thirty clear days before the Session of the Assembly at which such By-law is first introduced, which notice shall state that the said Trusts or Doctrines, as the case might be, would be sought to be altered, and setting out in full the proposed addition, omission, amendment, or alteration. And upon a Deed Poll executed by the Union, containing a copy of such By-law, being deposited and enrolled in the office of the Registrar of the Supreme Court of *Tasmania*, the properteis held upon and subject to the Union Trusts shall henceforth be held upon and subject to the same, with the additions, omissions, amendments, and alterations as set forth in the said By-law, and in case of the Doctrines, the said Schedule (B.) shall be deemed to be altered in accordance with the terms of the By-law affecting the same.

Repeal.  
Existing rules  
continued.

**20** The "said Act" is hereby repealed; nevertheless, the rules of the Union at the date of the passing of this Act, and the rules set out in Schedule (B.) to the said Act, until repealed or superseded by By-laws passed under the provisions of this Act, shall, except so far as any of them are superseded by this Act, or repealed by necessary implication therefrom, have the same force and effect as if the same had been By-laws made under this Act, and had received the consent of the several Churches as hereinbefore provided.

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## SCHEDULES.

Preamble.

(A.)

### CONSTITUTION OF THE BAPTIST UNION OF TASMANIA (INCORPORATED).

## I.—TITLE.

The Baptist Union of Tasmania.

## II.—CONSTITUENTS.

1. All the Churches and the members thereof constituting the Baptist Union of Tasmania (hereinafter called "The Union") on the 1st day of January, One thousand nine hundred and two.

2. The Tasmanian Baptist Missionary Society.



*Baptist Union.*

3. The Trustees for the time being of "The Baptist Union Sustentation Fund." A.D. 1902.

4. Such Churches, Societies, Institutions, and persons as shall hereafter be admitted to or affiliated with the Union.

When it shall hereafter be found advisable for the Union to establish Societies, or constitute bodies or Trustees for carrying out any of the objects of the Union, such Societies or bodies shall be formed and conducted by the Union, and enrolled among its constituents.

All constituents of the Union shall be subject to such of the By-laws of the Union as shall in accordance with the provisions of "The Baptist Union Act, 1902," be applicable thereto.

## III.—DOCTRINAL BASIS.

The Doctrinal Basis of the Union shall be the doctrines as set forth in Schedule (B.) to this Act.

## IV.—OBJECTS OF THE UNION.

1. To promote the unity, edification, and prosperity of the Baptist Churches and people of Tasmania, and the promulgation of the Christian faith as understood by the Christian people now called Baptists:—

- (a.) By spreading the Gospel of the Lord Jesus by promoting Evangelical work.
- (b.) By establishing regularly organised Churches of baptised believers.
- (c.) By assisting in the erection of Church, school, and other buildings suitable for the prosecution of such enterprises.
- (d.) By assisting, when deemed necessary, the Churches and Societies of the Union.
- (e.) By the supervision and regulation of the affairs of the said Churches.
- (f.) By the definition and delimitation of the sphere of influence and work of any Church or Home Mission Station or District, and by the grouping, unification, or subdivision, of any Churches or Home Mission Stations or Districts.

2. To carry on Home Mission Work.

3. To carry on Foreign Mission Work.

4. To assist and educate approved students for the Christian Ministry.

5. To assist aged and incapacitated Ministers and Agents of the Union.

6. To provide for properties being held in trust for the Churches, Societies, and Institutions of the Union, and to protect their interests in reference to trusts for Church, school, charitable, or any other purpose whatsoever connected with the Union or otherwise.

7. To give advice and direction and assistance to Churches in circumstances of difficulty.

8. To aid in the promotion of public morality, social purity, and temperance.

9. To collect and disseminate information relative to the history, condition, labours, sufferings and progress of, and to promote fraternal intercourse between the Baptists of this and other Countries and States.

10. To afford opportunity for conference and for public declaration of principles and opinion, and to confer and co-operate with other Christian communities as occasion may require.

11. To print and publish newspapers, books, pamphlets, catechisms, tracts, and matter of an approved nature.

12. Generally to devise, carry out, and do such schemes, matters, and things as may be deemed by the Union to be for the benefit of Christian people in Tasmania and its Dependencies now called Baptists.

## V.—OPERATIONS.

The Union shall act by its Assembly and through its Officers, Council, and Committees.

*Baptist Union.*

A.D. 1902.

## VI.—THE ASSEMBLY.

1. The Assembly shall consist of:—

(I.) Representative members who shall be—

- (a) The accredited Pastors of constituent Churches, or Pastors who are otherwise engaged in the service of the Union.
- (b) Home Missionaries in charge of a Church or District.
- (c) Foreign Missionaries of not less than Three years' active service.
- (d) Representative Trustees of the Sustentation Fund.
- (e) Delegates appointed by the said Churches and by any Home Mission District Society or Institution connected with the Union.
- (f) The Tasmanian head or representative of any theological college established or assisted by the Union.

(II.) Honorary Members who shall be persons who have rendered important services to the said Churches, the Union, or the Denomination; all membership and representation being subject to and regulated by the By-laws of the Union.

2. The Annual Session of the Assembly shall be held in the month of March or April in each year, and there shall also be a Spring Session in the month of October or November; the sessions being held at such time and place as the Council shall determine.

3. In any case of urgent necessity an Emergency Session or Sessions of the Assembly may be called by the President of the Union on the requisition of Seven members of the Council; the members of such Session being those who were entitled to be present at the last preceding Annual or Spring Session held, or any duly appointed in their stead.

## VII.—OFFICERS.

The Officers of the Union shall be:—President, Vice-President, Treasurer, Secretary, and Honorary Legal Adviser; all of whom shall be elected as provided in the By-laws.

## VIII.—THE COUNCIL AND COMMITTEES.

The Council shall consist of:—

- I. The Officers of the Union.
- II. Two representatives appointed annually out of their own number by the Trustees of the said Sustentation Fund.
- III. Members of constituent Churches elected by the Assembly. No more than One-half of the members of the Council shall be Pastors or Missionaries. The number of members, the quorum, and mode of election shall be regulated by the By-laws.

The Council may appoint temporary or standing Committees (of the members of which One-half at least, including the Chairman, must be members of the Council), to exercise such functions of the Council as may by it be delegated to them; and may appoint Superintendents of Home and Foreign Missions and of Churches.

## IX.—FINANCE AND PROPERTY.

The funds of the Union shall consist of private donations, bequests, collections, contributions, and levies made and paid by any Church or person by virtue or in pursuance of any By-laws of the Union. Except in the case of collections, contributions, or levies in pursuance of any By-law made as last aforesaid, every contributing donor, subscriber, Church, Society, or Institution shall have before or when remitting the money to the Treasurer the right to designate the branch of the work of the Union which it is desired to aid. Separate accounts shall be kept of the funds dealt with by the Council and each Committee thereof, or named in the By-laws, and accounts, certified by auditors appointed by the Church, shall be presented to every Annual Session of the Assembly.

*Baptist Union.*

## X.—REPORTS.

A.D. 1902.

Reports, setting forth the receipts, expenditure, financial position, and proceedings of the Council and all its Committees, as well as information respecting matters demanding the attention of the Assembly, together with statistics, and letters and digests thereof relative to the condition and progress of each Associated Church, Society, or Institution, shall be prepared and submitted to the Annual Session of the Assembly. There shall also be interim reports thereon submitted to the Spring Session.

## XI.—BY-LAWS.

By-laws for carrying out the objects of the Union, or any of them.

The intentions of this Constitution, and the statutory powers of the Union may (save as in the said Act mentioned) be made, rescinded, or altered by the Assembly at any duly constituted meeting. But no Law, Rule, Regulation, Act, or Resolution of the Assembly shall be deemed to be or have the operation of a By-law, unless an intention that the same shall be a By-law appear on the face thereof, and notice in writing of intention to introduce such intended By-law be given to the Secretary of the Union at least Six hours before the introduction thereof.

## XII.—ALTERATION OF CONSTITUTION.

No change in this Constitution shall be made except by the vote of a Two-thirds majority of the members present and voting at an Annual Session of the Assembly; notice of the proposed change having been given to the Secretary of the Union in writing at the preceding Annual or Spring Session of the Assembly, or within a month from the conclusion thereof.

## (B.)

## THE DOCTRINAL BASIS OF THE UNION.

1. The Divine inspiration and supreme authority of the Holy Scriptures, the only infallible rule of faith and practice in all religious matters.
2. The existence of one God in Three Persons—the Father, the Son, and the Holy Ghost.
3. The Deity and the Incarnation of the Lord Jesus Christ, who is the Son of God, the Second Person in the Holy Trinity.
4. The fallen, sinful, and lost estate of all mankind.
5. The salvation of men from the penal consequences and the power of sin through the perfect obedience of the Lord Jesus Christ, His atoning Death, His Resurrection from the Dead, His Ascension to the Right Hand of the Father, and His unchanging Priesthood.
5. The direct work of the Holy Spirit in the regeneration of men, in their sanctification, and in their preservation to the Heavenly Kingdom of the Lord Jesus Christ.
7. The necessity in order to salvation of repentance towards God and of faith in the Lord Jesus Christ.
8. The Resurrection of the Dead, the final Judgment of all men by the Lord Jesus Christ, the “Eternal Blessedness” of the righteous, and the “Eternal punishment” of the wicked.
9. The Two ordinances of the Lord Jesus Christ, namely,—Baptism and the Lord's Supper—which are of perpetual obligation, Baptism being the immersion of believers upon the profession of their faith in the Lord Jesus Christ, and a symbol of the fellowship of the regenerate in his death, burial, and Resurrection; the Lord's Supper being a memorial until His second advent of the sacrifice of the Body and Blood of the Lord Jesus Christ.

*Baptist Union.*

A.D. 1902.

10. The obligation on the Church and on every believer to aid in proclaiming salvation to all men through the Lord Jesus Christ.

(C.)

## THE UNION TRUSTS.

## ERECTION OF BUILDINGS, &amp;c.

CLAUSE 1.—Upon Trust to permit the Church, or where there is no church, then such other persons as the Council shall approve, to erect on the land a church building, vestry, school-house, manse, offices, and other buildings, with all necessary appendages, in such form and at such period or periods as they may think proper and direct. Provided always that the Council has been previously satisfied that such work is advisable, and has given its formal and unrevoked sanction thereto in writing, and that the terms and conditions, if any, prescribed by the Council, have been complied with.

## USES OF CHURCH PROPERTY.

CLAUSE 2.—Upon Trust to permit the said lands and premises to be used, occupied, and enjoyed as for a place for the public worship of God, according to the usages of the Christian people commonly called Baptists (save as the same are altered or modified by or in pursuance of "The Baptist Union Act, 1902," or the powers conferred thereunder), under the direction of the Church for the time being assembled for worship therein, or where there is no church, then the persons approved by the Council, and for the instruction of children and adults, and for the promotion of such other religious, educational, or philanthropic purposes, and other the object or objects of the Union, as the same may from time to time be defined by the constitution thereof, or for the residence of the pastor or other such persons as the Council shall from time to time direct. And, with the prior sanction, in writing, of the Council, to permit the said premises to be repaired, altered, enlarged, taken down, and wholly or partially rebuilt, or any other buildings to be erected on the said ground, so as to render the said premises better adapted for the accomplishment of the purposes aforesaid. And, with the sanction aforesaid, upon trust, to permit any portion of the said lands to be used for cemetery purposes. Provided always, that where there is no church in possession of the property, the same shall be managed and disposed of by the Council as hereinafter mentioned.

## COLLECTION AND APPROPRIATION OF MONEYS, &amp;c.

CLAUSE 3.—Upon trust to permit the persons appointed for that purpose by the said Church (and if there shall be no such Church, then such persons as the said Council shall appoint) to receive all moneys and subscriptions, pew and other rents paid or otherwise contributed for the purposes aforesaid, which money, subscriptions, and rents shall in the first place be applied in the discharge of all interest on borrowed moneys, premiums for insurance against fire expenses of the Union as Trustees, and other claims properly payable thereout, according to the By-laws for the time being of the Union and the residue thereof, shall be paid when, to whom, and as the Council directs, and be applied for the maintenance of divine worship in the said premises and elsewhere; and for the propagation of Baptist faith and practices, and for or in aid of general or special funds established or authorised by the Assembly and for such other the objects of the Union defined by the Constitution for the time being thereof as the Council directs.

## WHO MAY AND MAY NOT BE PASTORS.

CLAUSE 4.—Upon trust to permit only such persons to officiate in the said premises as regular Pastors or Missionaries as shall be of the Christian People and Church called Baptist, and shall hold consent and subscribe to the doctrines set forth in Schedule (B.) in this Act, and shall have been chosen and appointed thereto by the Council. And shall not permit to officiate in the said premises as regular Pastor, any person who shall cease to be of the Christian People and Church called Baptist, or who shall cease to hold the said doctrines, or who shall have been removed from his

*Baptist Union.*

office or station by the Council. And shall not permit any person guilty, or commonly reputed guilty of immoral, or fraudulent, or other discreditable conduct, to officiate in the said premises. A.D. 1902.

## OCCASIONAL PREACHERS.

CLAUSE 5.—Upon trust to permit only such occasional ministers and other persons of Evangelical faith to officiate in the said premises as the regular Pastor shall appoint, or if there be no such Pastor, then as the Council shall directly, or by its agent, appoint, and if the Council shall not appoint, then as the Deacons or other persons in charge of the said premises shall appoint. Provided always that no such Minister or other person shall be permitted to promulgate or teach in the said premises any doctrine or practice contrary to those set forth in Schedule (B.) to this Act and Laws of the Christian People called Baptists.

## MORTGAGES OF CHURCH PROPERTY, &amp;C.

CLAUSE 6.—Upon trust, subject to the prior formal approval and sanction in writing of the Council, to raise for approved purposes such sums or sum of money by mortgage deposit of the title deeds or otherwise, when and on such terms and conditions as shall be directed by the said Church, and approved by the Council.

## SALES OF CHURCH PROPERTY.

CLAUSE 7.—Upon trust, when and in such manner, and on such terms, and subject to such conditions as to title, or otherwise as shall be directed by the said Church and approved by the Council, and with the like approval, and consent absolutely to sell the said premises or any part thereof, either together or in parcels by public auction or private contract, or partly in each mode, or to exchange the said premises or any part thereof for other premises, or to make any other arrangement which may be considered advantageous, and in the said respective cases to assure the same accordingly.

## APPLICATION OF PROCEEDS OF SALE.

CLAUSE 8.—Upon trust, to stand possessed of the money which from time to time shall be received on any sale or exchange made in pursuance of these presents and otherwise upon trust, after making provision for the payment of all charges upon the trust estate, and for the expenses incurred by the Union to invest, lay out or dispose of the same with and subject to the consent and approval of the Council in such manner and for such purposes for the benefit of the said Church, and in accordance with the tenor of these presents, in the improvement of the trust property and enlargement, repair or building on the trust premises, and the purchase of other property or properties or any of them, or otherwise for the benefit of said Christian people called Baptists as shall with the consent and approval aforesaid be directed by the said Church.

## LEASES OF CHURCH PROPERTY.

CLAUSE 9.—Upon trust, with and subject to the consent and approval aforesaid, to demise the said trust estate, or any part or parts thereof, including Church pews, for such period and such rent, and upon such terms and conditions as shall be approved by the Council and directed by the said Church, or if there should be no Church, then as the Council shall in its discretion direct, and that the rent and other moneys arising therefrom shall be applicable in the manner prescribed by Clause 3 of these Trusts with respect to the money therein mentioned, and that the reversion of the trust estate shall be subject to all the powers of sale and exchange, or other arrangement which may be considered advisable, and the directions and trusts relating thereto, as herein contained

## RECEIPT OF UNION A DISCHARGE.

CLAUSE 10.—Provided always that a receipt under the seal of the Union, and signed by two members of the Council thereof for any mortgage, sale, exchange, rent, or other moneys payable in respect of the said trust premises, shall exonerate the persons paying the same from all liability to see to the application thereof, and that it shall not be incumbent on any mortgagee or purchaser or tenant of the said premises or any part thereof, or on any person taking the same in exchange to inquire into the

*Baptist Union.*

A. D. 1902.

necessity or propriety of or consent given to any such mortgage, sale, letting or exchange, or its authorisation by these presents; and it is declared that the usual receipt in the body of any conveyance, mortgage or other deed or document executed as aforesaid, shall have the like effect as the receipt aforesaid.

## UNION MAY SELL CHURCH PROPERTY ON DEFAULT.

CLAUSE 11.—Provided also that (in addition to and without prejudice to the powers hereinbefore contained) in case the Union shall be required to pay any money for which it shall be liable in relation to the trusts in these Trusts contained, and the same shall not be duly provided by the said Church, or otherwise than by the Union, it shall be lawful for the Union, without the consent or direction of the Church or any member thereof, after the expiration of Six calendar months' written notice from the Secretary of the Union duly authorised in that behalf, requiring payment of such money, and stating the intention of the Union in case of default to mortgage, or sell the said premises as hereafter mentioned, given to the then Pastor for the time being of the said Church, and if there be no such Pastor, to the Deacon, if there shall be one and only one, or if there shall be more than one Deacon, to at least Two Deacons for the time being of the said Church, or if there be no such Deacon or Deacons, to at least two members of the Committee or other body for the time being (if any) appointed by the said Church to act instead of Deacons, and also to affix to the doors of the said Church building on three successive Sundays, notice of intention to mortgage or sell all or any part of the said trust premises, when and in such a manner in all respects as the Union shall think proper, and out of the proceeds thereof to pay all expenses thereof and incident to such mortgage or sale, and fully to reimburse and indemnify the Union so liable and then to disposed of the net residue thereof (if any) in such manner and for the object or objects of the Union as may be defined by the Constitution for the time being thereof, as the Council shall direct. And it is hereby declared that it shall not be incumbent on any mortgagee or any purchaser whose title shall be founded on this clause, to inquire into the necessity for or propriety of any such mortgage or sale, or as to the fact that such notice having been given as aforesaid.

## PROVISIONS FOR CHURCH MEETINGS, MORTGAGE, SALE, OR LEASE.

CLAUSE 12.—Upon trust that every assembly or Church meeting to be hereafter convened for directing or fulfilling any of the purposes mentioned in Clauses Six to Nine in these Trusts inclusive (except in the case of leases for not more than one year), shall be called by a notice of the object of such meeting, together with the day, hour, and place of holding such meeting; which notice shall be signed by the Pastor for the time being, or in case of his neglect for Fourteen days, or refusal after request in writing made by Five members of the Church, or in case of there being no Pastor, then by the same number of members, and be posted on the door of the Church building on at least Two successive Sundays immediately preceding the day on which such meeting shall be appointed to take place, and shall, if practicable, be read during some part of the public service held on the same Two Sundays, on the trust premises. And that no direction shall be considered to have been given until such meeting shall have been called in the way prescribed, and the majority of the church members present, and voting at such meeting shall have passed a vote or votes in accordance with the proposed object, and have presented a request in writing under the signature of the Chairman of the meeting so held to the Union.

## WHO MAY VOTE THEREAT.

CLAUSE 13.—Upon trust that no member shall be allowed to vote at any Special Church Meeting called as last aforesaid, unless such member shall be in full and good standing, and connected with the Church for Three months immediately preceding the date of such meeting, and be Eighteen years of age or over.

## WHO TO PRESIDE.

CLAUSE 14.—Upon trust that the Chairman of every such meeting, as referred to in Clause Twelve, shall be the person appointed by the Council (and the Council is hereby empowered to appoint such person), or in the case of his refusal, absence, or



*Baptist Union.*

incapacity, or of a non-appointment by the Council, then the person chosen by the major part of the members present at the meeting, and that the Chairman shall have a casting vote only, and may adjourn the meeting for not more than one month at a time, at which adjourned meeting the person, if any, appointed by the Council for that purpose shall, if present, be entitled to preside. A. D. 1902.

LEGAL PROOF.

CLAUSE 15.—A statutory declaration by the Chairman of any such meeting as aforesaid, or, in case of his neglect or refusal for Seven days after request made by the Secretary of the Union, then by one of the Deacons of the said church who was present at the taking of the said vote, shall be conclusive evidence that the required majority of the Church have duly given their consent to any matter hereinbefore referred to as requiring such consent as aforesaid, and that all other formalities have been correctly observed and consents obtained.

ORDINARY FUNCTIONS AND RIGHTS OF THE CHURCH SPECIALLY PRESERVED.

CLAUSE 16.—Upon trust, that the administration of the affairs of the Church, and the property thereof, shall be subject to "The Baptist Union, Act, 1902," and to the By-laws for the time being of the Union, but the direction of the Church shall, notwithstanding any such By-law, be absolute as to the form of service and Divine Worship observed in the said premises, and also as to the reception into its membership of persons qualified as such as mentioned in the aforesaid Act, or any Amendment thereof, and as to the dismissal of any person from its membership, and also as to appointment of its own officers (save Pastor or person officiating as such, whose appointment and removal by the Council shall be regulated from time to time by the By-laws of the Union, and who shall, if qualified, be an *ex officio* member of the Church), and as to administration of discipline amongst its members, and as to management of its poor, Communion, and other special local funds approved by the Pastor or person officiating as such under the sanction of the Union. Provided always, that such form of service and Divine Worship is not inconsistent with the usages of the said Christian people called Baptists, nor inconsistent with the Doctrines set out in Schedule B. to the said Act.

WHERE NO CHURCH UNION ACTS.

CLAUSE 17.—Provided always that if at the time of the execution of the conveyance of the land to the Union, or at any time thereafter, there shall be no Church formed and established in the district or place where such land is situate, and which habitually holds Divine Service upon such land, or which conducts or maintains Divine Worship thereon or therein, the Union shall, until a Church be, with the sanction and approval of the Council, formed or established as aforesaid, have power and authority to perform and do all things necessary for the carrying out all or any of these trusts aforesaid as fully and effectually to all intents and purposes as if such Church existed and consented thereto, or directed the same to be done and performed.

WHERE NO CHURCH UNION MAY SELL.

CLAUSE 18.—Provided also, that if no such Church be formed within one year from the date hereof, or if the said Church shall be reduced to less than five male members of not less than twenty-one years of age each, resident within a radius of ten miles of the principal Church building or meeting-house; or if the same be dissolved or dispersed and not be again duly formed within Three calendar months next thereafter, or if the said Church shall cease to hold regular public meetings for Divine Worship, at least once a month, for a period of Three consecutive calendar months; then and in any of the said cases, and during the period of the continuance thereof upon trust, in the discretion of the Council, to let, sell, or otherwise dispose of the said premises or any part thereof, and to deal with the net moneys received for or in respect of the same in such manner and for such the object or objects of the Union as may be defined by the Constitution for the time being thereof as shall be directed by the Council.

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*Baptist Union.*

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A.D. 1902.

## INVESTMENT OF PERSONAL PROPERTY.

CLAUSE 19.—And as to all personal property upon trust so far as practicable, to invest the same in securities approved by law for trust moneys, and to apply the income resulting therefrom and from any other personal estate in such manner as the Council shall direct. Provided, nevertheless, that where any real or personal property exceeding £50 in amount at any one time now or hereafter is given, devised, or bequeathed to or for the benefit of any Church, then the Union shall hold the same until the said Church ceases to exist as aforesaid, in trust for such Church upon the same trusts and conditions upon which the same property was given (such trusts not being inconsistent with the said doctrines and with “The Baptist Union Act, 1902”).

## POWERS OF THE COUNCIL CONTROLLED BY BY-LAWS.

CLAUSE 20.—Provided lastly, that each and every the powers, authorities, consents, sanctions, directions, and discretions exerciseable, given, or reserved to the Council by or in these trusts, shall, nevertheless, be exercised, given, withheld, or reserved by the Council subject to and in accordance with the By-laws for the time being of the Union.