

Legislative Council.

1918.

A BILL

To incorporate the Baptist Union of New South Wales ;
to empower such corporation to purchase, acquire,
and hold lands, and also to sell, mortgage, and
lease lands, and to vest all lands and other
property, real or personal, now belonging to the
said union or vested in trustees for the same, in
such corporation, and to empower the said corpo-
ration to act as trustees of property now or hereafter
held in trust for certain Baptist congregations, and
for power to alter or vary certain trusts ; and for
purposes consequent thereon or incidental thereto.

WHEREAS certain persons being members of a
religious body or denomination called Baptists,
in the State of New South Wales, and holding as their
general

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general tenets the doctrines set forth in Schedule A hereto, have formed an association called "The Baptist Union of New South Wales" for the promotion of Christian intercourse amongst its members, the establishment and maintenance of places of worship for the members of the said denomination, the support and assistance of Baptist ministers, the education of candidates for the Baptist ministry, the advancement of home and foreign missions, and the furtherance of the public worship of God in accordance with the said tenets and doctrines: And whereas certain properties are held by certain trustees upon trust for the said association itself or for certain committees of the said association: And whereas the said denomination is composed of a number of congregations which have from time to time acquired real and personal property which is now vested in various persons as trustees for and on behalf of the said respective congregations upon certain trusts in many respects dissimilar: And whereas certain properties have been conveyed to or have been declared to be held upon trust for certain other congregations which have either ceased to exist or have not yet come into existence: And whereas it is expedient that the said association should be incorporated, and should be invested with the powers and authorities hereinafter set forth, and that the real and personal property so vested in various persons as trustees upon trust for the said association should be vested in the said association when incorporated, and that the real and personal property so vested in various trustees for and on behalf of the said respective congregations should be capable of being vested in the said association when incorporated, upon the trusts hereinafter set forth: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. The members of the said association, called the Baptist Union of New South Wales, and all persons who shall in manner provided by the rules and by-laws for

for the time being of the said association become members thereof, shall be a body corporate by the name of "The Baptist Union of New South Wales," and shall have perpetual succession and a common seal and shall
5 and may enter into contracts, sue and be sued, prosecute and defend, and take all other proceedings in all courts civil and criminal within the said State, and any summons, writ, statement of claim, notice, or other proceedings which it may be necessary to serve upon
10 the said corporation may be served upon any member of the executive committee of the said corporation.

2. The present rules and by-laws of the said association shall until new by-laws have been made under the provisions hereinafter mentioned be deemed and con-
15 sidered to be and shall be the rules and by-laws of the said corporation save and except in so far as they are or may be inconsistent or incompatible with or repugnant to any of the provisions of this Act or any of the laws now or hereafter to be in force in the said State.

3. The said corporation shall have power to purchase, acquire and hold lands and any interest therein and also to sell, mortgage, lease, or otherwise dispose of the said lands or any interest therein, and all lands, tenements, hereditaments, and other property, real or personal, now
25 belonging to the said association under the said rules and by-laws or vested in trustees for the said association or any committee thereof or for the general purposes of the said denomination shall on the passing of this Act be vested in and become the property of the said cor-
30 poration subject to any trusts and to all charges and claims and demands in anywise affecting the same.

4. The general business of the corporation shall, subject to the by-laws for the time being of the said corporation, be under the immediate management and
35 superintendence of an executive committee (consisting of at least twelve members of the said corporation), one of whom shall be called the president of the said corporation, and the executive committee for the time being of the said corporation shall have the custody of the
common

common seal of the corporation and the form thereof with power to break, alter, and change the same from time to time and all other matters relating thereto which shall from time to time be determined by the said executive committee, and the members of such executive committee or such three or more of them as the by-laws for the time being of the said corporation shall direct shall have power to use such common seal for the affairs of the said corporation and to affix the same to any deed or document and under such seal either by letter of attorney or otherwise to authorise any person or persons to execute without such seal deeds and contracts and to do all such other things as may be required to be done on behalf of the said corporation in conformity with the provisions of this Act and of the by-laws for the time being of the said corporation, and it shall not be necessary to use the said seal in respect to any of the ordinary business of the said corporation nor for the appointment of its secretary, solicitor, or other officers.

5. The present executive committee of the said association shall be the executive committee of the said corporation, and the present officers of the said association shall be the officers of the said corporation until they or any of them shall retire or be changed or shall otherwise cease to be members of the executive committee or officers of the said association in pursuance of the by-laws for the time being of the said corporation.

6. The executive committee for the time being of the said corporation shall within two years after the passing of this Act convene by not less than three weeks' notice by advertisement in at least three consecutive numbers of two or more of the Sydney newspapers a meeting of the persons entitled to vote for any purpose under the present rules and by-laws of the said association, and shall submit for the approval of such meeting the by-laws proposed for the future conduct of the affairs of the said corporation, and the furtherance of the objects for which the said association was originally formed as hereinbefore recited, and in such by-laws provisions shall

shall be made respecting the following matters, that is to say:—

- 5 (a) The number, change, retirement, election, and appointment of members of the executive committee of the said corporation, and of the president, secretary, treasurer, and other officers of the said corporation, and the rights, powers, duties, and obligations of the members of such committee, the secretary, treasurer, and other officers of the said corporation.
- 10 (b) The appointment of such other permanent or temporary committee as shall from time to time be required for the furtherance of the objects for which the said association was originally formed as hereinbefore recited.
- 15 (c) The meetings of the members of the said corporation.
- (d) The election, admission, retirement, and removal of members of the corporation.
- 20 (e) The rights, liabilities, and qualifications of members of the corporation.
- (f) The mode of altering or repealing the by-laws of the said corporation, and of making others; and
- 25 (g) the efficient management of the affairs and business of the said corporation generally, and the promotion of the objects for which the said association was formed as hereinbefore recited.

At such meeting so convened as aforesaid, or at some
30 adjournment thereof, the proposed by-laws shall be approved of by a majority of the votes of the members of the said corporation present at such meeting and voting according to the provisions of the said present rules and by-laws, and thereupon within five weeks and
35 after the expiration of two days another meeting shall be convened for the purpose of confirming and finally passing such proposed by-laws which shall not be passed except by a like majority of votes as aforesaid, and upon such proposed by-laws being so finally passed the same
40 shall be deemed and considered to be and shall be the by-laws for the time being of the said corporation, save and except in so far as any of them are, or shall, or may
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be altered, varied, or repealed by, or are, or shall, or may be inconsistent, or incompatible, or repugnant to any of the provisions of this Act.

7. The by-laws of the said corporation or any of them may from time to time be altered or repealed and new by-laws may be made in accordance with any provisions in the then existing by-laws: Provided that any alteration or repeal of any by-law and every new by-law shall be first approved of by a majority of the votes of the members present at a meeting of the corporation convened for the purpose, and shall be finally passed by a majority of votes at another meeting also convened for the purpose. 5 10

8. A copy of the said by-laws or of any alteration or repeal of any by-law and of every new by-law proved to be such by the statutory declaration of the president of the said corporation or by any member of the executive committee for the time being of the said corporation shall be registered in the office for the registration of deeds at Sydney, and shall be open for inspection at all reasonable times by the public, and the said by-laws or any alteration or repeal of any by-law or any new by-law shall not be in force until so registered. 15 20

9. The production of a written or printed copy of the by-laws of the said corporation having the common seal of the said corporation affixed thereto shall be sufficient evidence in any court of civil or criminal jurisdiction of such by-laws, and the production of a minute book of the corporation containing a minute of the proceedings of any meeting of the members of the corporation or of any meeting of the executive committee and purporting to be signed by some member of the executive committee therein represented as having presided as chairman at such meeting or having been present thereat, shall be prima facie evidence in any court of civil or criminal jurisdiction that such meeting was held as therein represented and of the proceedings thereof. 25 30 35

10. All property real and personal which may now or hereafter belong to or be vested in any person or persons as a trustee or trustees for any congregation or congregations of the said demonination shall, upon the consent 40
consent

consent of such trustee or trustees or the majority of them and of the said corporation without any further conveyance or transfer become vested in the said corporation: Provided that if in consequence of death, absence
5 from the said State or other disability, the consent of such trustee or trustees cannot be obtained within twelve months after the date of this Act, it shall be lawful for the president for the time being of the said corporation to consent in place of any such trustee or trustees:

- 10 Provided nevertheless that in the case of any property real or personal actually used, occupied, or enjoyed by any such congregation as aforesaid having a roll or register of church membership, neither such trustee or trustees nor such president as aforesaid shall consent
15 without the direction of the members of such congregation first had and obtained in manner hereinafter provided:

Provided also that a notice in the Government Gazette, purporting to be signed by the president for the time
20 being of the said corporation, intimating that such trustee or trustees, or such president in place of any such trustee or trustees, has or have consented to the property mentioned in such notice becoming vested in the corporation, and that such real or personal property
25 was not actually used, occupied, or enjoyed by any congregation or congregations at the time when such consent was given, or that such property was actually used, occupied, or enjoyed by any congregation or congregations, and that in pursuance of a direction or
30 directions duly made by such congregation or congregations such trustee or trustees, or such president as aforesaid, in his or their place, have consented to its becoming vested in the said corporation, shall be conclusive evidence of the matters alleged in such notice.

- 35 **11.** All property which shall become vested in the corporation under the last preceding section, and which in the Schedule B to this Act is designated the said trust property, shall from the date of such vesting cease to be held upon the express trusts to which prior to such
40 date it was subject, and from thenceforth be held, managed, and dealt with upon the trusts and subject to

to the provisos and conditions set out in the Schedule B to this Act, subject nevertheless to all mortgages, liens, and other charges affecting the same immediately prior to the date of such vesting :

Provided always that the administration of the affairs of any congregation shall not, except as by this Act specially directed, be in any manner affected. 5

12. (1) For all the purposes of this Act and anything required to be done thereunder, the total number of persons whose names appear as church members in the roll or register of any association or society, and holding as their general tenets the doctrine set forth in Schedule A hereto, and in the habit of meeting together for the public worship of God in any church or other building, shall be deemed to be a congregation, and each of such persons shall be deemed to be a member of such congregation, and the direction of any congregation shall be deemed to have been given whenever— 10 15

(a) a resolution has been passed by a majority of not less than three-fourths of such persons being members of such congregation who shall be upwards of the age of twenty-one years, and whose names have for at least six months prior to the holding of the meeting convened for the purpose of proposing such resolution appeared as church members in the roll or register relating to such congregation and who are personally present and vote in respect of any such resolution at a meeting of which notice specifying the intention to propose such resolution has been duly given ; and 20 25 30

(b) such resolution has been confirmed by a majority of such persons being members of such congregation whose names have for at least six months prior to the holding of the meeting convened for the purpose of confirming such resolution appeared as church members in the roll or register relating to such congregation present, and voting in respect of any such resolution at a meeting of which notice specifying 35 40

5 specifying the intention to propose such resolution has been duly given, and held at an interval of not less than fourteen days nor more than five weeks from the date of the meeting at which such resolution was first passed.

(2) At any meeting mentioned in this section, unless a poll is demanded by at least five members who are upwards of the age of twenty-one years, a declaration
10 of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the same.

(3) Notice of any meeting shall for the purposes
15 of this Act be deemed to be duly given whenever a notice setting out the object of such meeting and the nature of the proposed resolution, together with the day, hour, and place of the holding thereof, and signed by the pastor for the time being of the said congregation, or in
20 case of his neglect for seven days or absolute refusal after request in writing made by two of the members of such congregation who would be entitled to vote at any such meeting, or in the case of there being no pastor signed by the same number of such persons as aforesaid
25 and posted on the door of the church or other building used for public worship by such congregation on at least two successive Sundays immediately preceding the day on which such meetings shall be appointed to take place and read during some part of each of the public services
30 held on the same two Sundays in such church or other building as aforesaid, and the meeting shall be deemed to be duly held whenever such notice is given and meeting held in pursuance of such notice and the conditions next following are observed. Only those of such
35 persons as are members of the said congregation who are personally present at any such meeting, and of the age of twenty-one years and upwards, and whose names have for at least six months prior to the holding of the meeting appeared as church members in the roll or
40 register relating to such congregation shall be allowed to vote and the persons allowed to vote shall each have

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one vote. And the chairman of every such meeting as aforesaid shall be the pastor of the said congregation, or in case of his refusal, absence, or incapacity, or of there being no pastor, then a person chosen by the major part of such persons as aforesaid present at the meeting, and the chairman of such meeting shall not have a deliberative vote, but in case of an equality of votes on any question shall have a casting vote. 5

13. This Act shall be styled "The Baptist Union Incorporation Act." 10

SCHEDULES.

SCHEDULE A.

1. The Sinfulness of man.
2. The Deity of Jesus Christ.
3. His atonement for the sin of Man. 15
4. The need of the Holy Spirit for conversion.
5. The Divine Inspiration of the Scriptures.
6. The Resurrection of the Dead.
7. Rewards and punishments in a future state.
8. The Baptism of Believers only by Immersion. 20

SCHEDULE B.

1. As to such portions of the said trust property as shall consist of land upon which no church, vestry, school-house, or manse has been erected, to permit the same to be used as a site for the erection thereon of some one or more of the last-mentioned buildings and to permit such buildings to be used for some one or more of the following objects, that is to say :—For the public worship of God according to the usages of the said denomination; for the instruction of children and adults ; for the residence of a pastor of the said denomination, or for the promotion of such other religious or philanthropic purposes as the executive committee of the corporation shall from time to time determine, and as to such portion of the trust property as shall consist of land upon which a church, vestry, school-house, or manse has been erected upon trust to permit the use of such building or buildings for some one or more of the abovementioned objects. 30 35

2. To permit any buildings now or hereafter erected upon the said lands, whether such buildings be of the nature mentioned in the last preceding paragraph or of an entirely different nature, and whether erected

erected before or after the passing of this Act under the powers hereby conferred or otherwise, to be repaired, altered, enlarged, taken down and partially or wholly rebuilt, or any other building or buildings to be substituted for or erected on the land formerly occupied by the building or buildings taken down :

5 Provided always that no church, vestry, school-house, or manse shall be repaired, altered, enlarged, taken down, or partially rebuilt, nor shall any building be substituted therefor or erected on the land formerly occupied by the building or buildings taken down, except by
10 the direction of the congregation which, or the pastor of which, shall then be entitled to the use, occupation, or enjoyment of such church, vestry, school-house, or manse.

3. To permit the persons appointed for that purpose by the direction of the congregation for the time being assembling for worship in any
15 church vested in the said corporation to receive all moneys and subscriptions given or paid for the use of pews and sittings in the said church or otherwise contributed for the purposes aforesaid, and to permit such persons to apply the same in the first place in the discharge of all interest on and instalments in respect of borrowed moneys, premiums
20 for insurance against fire, expenses of the corporation relating to any church, vestry, school-house, or manse used, occupied, or enjoyed by such congregation or its pastor, legal expenses and other claims properly payable thereout, and the residue thereof for the maintenance of Divine worship in such church, and the surplus (if any) in repayment
25 of such borrowed moneys as aforesaid and other the purposes of these presents as such congregation shall from time to time direct.

4. To permit such persons only to officiate as pastors in any church erected upon any portion of the said trust property as shall be of the denomination aforesaid and shall hold the doctrines set forth
30 in Schedule A to this Act and shall (except as to any pastor appointed before the passing of this Act) have been chosen by the congregation from time to time worshipping in such church; and not to permit to officiate in such church as pastor any person who shall be guilty of immoral conduct or who shall cease to be of the denomination afore-
35 said, or who shall cease to hold the said doctrines, or who shall have been removed from his office by the said congregation.

5. To permit such occasional ministers or other persons to officiate in any such church as aforesaid as the pastor or in his absence the deacons shall appoint, or if there be no pastor or deacons, as the officer
40 nominated from its own members for such purpose by the direction of the congregation worshipping in such church as aforesaid shall from time to time direct.

6. Subject to such directions as shall from time to time be given by any congregation with respect thereto to raise money by means of a
45 legal or equitable mortgage upon the whole or any portion of the land portion of the trust property upon which is or is about to be erected a church, vestry, school-house, or manse, or any one or more of such buildings used, occupied, or enjoyed, or to be used, occupied, or enjoyed by the congregation giving such directions as a place of worship for the
0 instruction of the children or adults belonging to such congregation, or for a residence of the pastor of such congregation, or for any one or
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more of such purposes, or the whole or any portion of the land portion of the trust property which is otherwise used, occupied, or enjoyed by such congregation (with or without powers of or trust for sale), and where and in such manner and on such terms and subject to such conditions as to title or otherwise as shall be directed by such congregation absolutely to sell the whole or any part of the said land, 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 demise the said land or any part or parts thereof for such period at such rent and upon such terms and conditions as shall be directed by the congregation giving such direction as aforesaid.

7. To stand possessed of the money which from time to time shall be received on any sale, mortgage, exchange, or lease made in pursuance of these presents upon trust after making provision for the payment of all charges upon the portion of the trust property dealt with and of the expenses and legal costs incurred by the said corporation in connection therewith to invest, lay out, or dispose of the same in such manner and for such purposes for the benefit of the congregation giving such direction as aforesaid, and in the maintenance and observance of public worship, the instruction of children and adults, the improvement of the trust property occupied, used, or enjoyed by such congregation or the pastor thereof, the enlargement or repair of any building forming portion of such trust property, and the purchase of other property or properties and the erection thereon of a church, vestry, school-house, or manse, or in some one or more of such ways, or for some one or more of such purposes as aforesaid as shall be directed by such congregation.

8. In case the said corporation shall be required to pay any money for which they shall be liable in relation to any of the trusts, powers, authorities, or duties created by this Act, and the same shall not be duly provided by the congregation in pursuance of whose directions the corporation shall have acted or on whose behalf the liability to pay such money shall have been incurred by the said corporation, it shall be lawful for the said corporation, without the consent or direction of such congregation or any member thereof, after the expiration of six calendar months' written notice from a member of the executive committee of the said corporation, duly authorised in that behalf by such committee, requiring payment of such money, and stating the intention of the said corporation in case of default to mortgage or sell the church, vestry, school-house, or manse used, occupied, or enjoyed by such congregation or the pastor thereof, as hereinafter mentioned, given to the then pastor for the time being of the said congregation if there shall be such pastor, and to the deacon for the time being of the said congregation, or if there shall 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 such congregation to act instead of deacons, and also affixed to the doors of the said church, or if there be no such building to the said land on three consecutive Sundays, to mortgage or sell all or any part of the said trust property used, occupied, or enjoyed by such congregation or the pastor thereof, when and in such manner in all respects as the said executive committee of the said corporation shall think

think proper, and out of the proceeds thereof to pay all expenses and legal costs of and incident to such mortgage or sale, and fully to reimburse and indemnify the said corporation so liable, and then to dispose of the net residue thereof (if any) for some one or more of the purposes for which moneys obtained by sale, mortgage, lease, or exchange of portion of the said trust property as hereinbefore provided may be expended under the seventh clause of this Schedule.

9. If at the time of any of the said trust property becoming vested in the said corporation or at any time thereafter there shall be no congregation of the said denomination consisting of at least ten members formed or established in the district where such trust property is situate, the said corporation shall, until such congregation be formed or established as aforesaid, have power and authority to perform and do all things necessary for the carrying out of the trusts aforesaid as fully and effectually to all intents and purposes as if such congregation existed and consented thereto or directed the same to be done and performed :

Provided also that if within any district no such congregation be formed within five years from the time of such vesting as aforesaid, or if any such congregation shall be dissolved or dispersed and not be again formed within six calendar months next thereafter, the corporation shall have power to sell, mortgage, lease or otherwise dispose of the trust property situate in such district or any part of such trust property, and to deal with the net moneys received for or in respect of the same in such manner and for such religious purposes as nearly as may be in accordance with the trusts on which the said corporation held the said trust property, but in respect of such other district or districts as shall be directed by the executive committee for the time being of the said corporation :

3. Provided also that the executive committee of the said corporation shall be absolutely entitled to decide from time to time as to what is a district within the meaning of this section and the existence or otherwise of such congregation, and a certificate purporting to embody such decision and signed by the president of the said corporation and two members of such executive committee shall be conclusive evidence of such decision for all purposes.

10. A receipt under the seal of the said corporation and signed by two members of the executive committee of the said corporation, of whom one shall be the treasurer, for any mortgage, sale, exchange, rent, or other moneys payable in respect of the said trust property, shall exonerate the persons paying such moneys from all liability to see to the application thereof, and it shall not be incumbent on any mortgagee, purchaser, or lessee of the said trust property or any part thereof or on any person taking the same in exchange to inquire into the necessity, propriety or regularity of any such mortgage, sale, lease, or exchange.

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