

Congregational Union Incorporation.

CONGREGATIONAL
UNION
INCORPORATION.

An Act to incorporate the Congregational Union of New South Wales. [21st November, 1882.]

Preamble.

WHEREAS certain persons being members of a religious body or denomination called Congregationalists or Independents in the Colony of New South Wales and holding as their general tenets the doctrines set forth in the Schedule A hereto have formed an Association called "The Congregational Union of New South Wales" the constitution of which is set forth and described in the Schedule B hereto And whereas certain lands and buildings in connection with the various churches of the said denomination are vested in trustees upon certain trusts but such trusts are not in all cases the same And whereas it is expedient that the said Union should be incorporated and that all the lands and buildings in connection with the various churches of the said denomination should be held upon the same trusts Be it therefore enacted by the Queen'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:—

Union incorporated.

1. All persons who are or may become members of the religious body or denomination of Congregationalists or Independents and who compose the Association called "The Congregational Union of New South Wales" from henceforth shall be a body corporate by the name of "The Congregational Union of New South Wales" and shall have perpetual succession and a common seal and under that name may sue and be sued prosecute and defend and take all other proceedings in all Courts civil and criminal within the said Colony and it shall be lawful for the said body corporate to make by-laws and such alterations in the constitution of the said body corporate as may be found from time to time necessary and it shall be further lawful for the said body corporate to take purchase receive hold and enjoy real and personal property of any description whatsoever and also to sell grant convey demise or otherwise dispose of either absolutely or by way of mortgage any of the property real or personal belonging to the said body corporate and generally to exercise subject to the provisions of this Act all powers incident to a body corporate and the committee for the time being of the said Association shall have the custody and use of the common seal of the said body corporate and a majority of the members of such committee present at any meeting shall have power to use or direct the use of such seal for all purposes for which the use of such seal is required.

Trustees of lands &c. held on trusts for Independents or Congregationalists empowered to convey to the Union.

2. All persons who now hold or in whom are vested lands or buildings within the said Colony as trustees in trust for the said body or denomination called Independents or Congregationalists or for any Church connected therewith under any deed or deeds may subject to the proviso hereinafter contained convey the same to the said body corporate and the same shall thereafter be held by the said body corporate under and subject to the trusts set forth and specified in Schedule C hereto and the trusts under which such lands or buildings had been theretofore held shall thereupon cease and determine And it is further enacted that if any of the said trustees should at the time of the execution of such conveyances be absent from the said Colony then any of his co-trustees may act as his attorney and sign and execute any such conveyance for every such trustee so absent from the

Co-trustee empowered to execute a conveyance for trustee absent from the Colony.

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the Colony as aforesaid and such signature and execution shall have the same effect as if such conveyance was signed and executed by the trustee so absent from the Colony as aforesaid.

3. Provided that such trustees shall not make any such conveyance as aforesaid to the said body corporate until they have first obtained the consent and direction of the majority of the church members in trust for whom such lands are held present at a meeting duly convened as hereinafter mentioned for that object and such meeting 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 absolute 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 used for public worship on or in connection with the said lands 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 each of the public services held on the same two Sundays in such church building and that no direction or consent 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 resolution directing such conveyance to be made.

No such conveyance to be made until consent and direction of majority of Church members obtained.

4. Only the members present at any such meeting of the age of twenty-one years and upwards shall be allowed to vote and that no person who shall have been admitted as an occasional communicant or who shall not have been a member of the church and shall not have been so inscribed on the church books for the space of three calendar months immediately prior to such meeting shall be entitled to vote or take any part in any of the church matters aforesaid.

Members entitled to vote.

5. The chairman of every such meeting as aforesaid shall be the pastor of church or in 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 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.

Who to be chairman of meeting.

6. This Act shall be styled "The Congregational Union Incorporation Act."

Short title.

SCHEDULES.

SCHEDULE A.

1. The existence of one only God Father Son and Holy Spirit.
2. The fall of man from a sinless state into one of sin and death.
3. The incarnation of the Divine Word as our Lord and Saviour Jesus Christ Son of God and Son of man His sufferings and death as a propitiation for the sins of the world and the salvation by grace through faith of all who believe in Him.
4. The necessity of the influence of the Holy Spirit for the restoration of man to holiness and life.
5. The moral responsibility of man and the unlimited nature of the provisions and invitations of the Gospel.
6. The divine inspiration of Holy Scripture in the Old and New Testaments and its supreme authority as the rule of faith and practice.
7. The immortality of the soul the resurrection of the dead and the final judgment with its eternal consequences.
8. The exclusive right of every church to manage its own affairs.
9. The baptism of infants and of adult believers who were not baptised in infancy.
10. The open confession of the name of the Lord Jesus Christ in the celebration of the Lord's Supper according to His command.
11. The apostolic institution in the churches of two offices for their spiritual oversight and the administration of their temporal affairs namely that of presbyters and bishops and that of deacons.

SCHEDULE B.

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SCHEDULE B.

1. The General Assembly shall consist of Congregational ministers and members of Congregational Churches.
2. Each of the associated churches shall be represented by its pastor and by delegates according to the following scale for thirty members or under two delegates and an additional delegate for every twenty members above the first thirty.
3. Churches shall be received into the Union at any October meeting by vote of two-thirds of the assembly notice having been given in writing to one of the secretaries at least seven days before the meeting by two pastors of associated churches.
4. The Assembly shall have the power of admitting by vote as personal members recognized congregational ministers not having pastoral charge.
5. The assembly shall meet once in every year in Sydney in the month of October. A second meeting of the assembly may be held in the month of April if the committee consider it necessary or if a requisition for the same signed by any six delegates and stating the object and place of such meeting be given in writing to the secretaries at least one month beforehand.
6. At each October meeting a chairman treasurer registrar and a ministerial and lay secretary shall be chosen the chairman shall begin to hold office at the next October meeting.
7. At each October meeting the assembly shall also choose from amongst themselves a committee consisting of eight members (exclusive of the chairman treasurer registrar and secretaries who shall be members *ex-officio*) which committee shall make all arrangements for the meetings of Assembly present an annual report and further attend to all matters referred to it by the assembly.
8. All elections shall be by ballot after nomination. Nomination to be made by any member of the assembly and notified in writing to the secretary at least seven days before the day of election.
9. Each of the associated churches shall make an annual contribution to the funds of the Union and each member of the assembly shall give an annual subscription of not less than five shillings.
10. The rules and constitution of this Union shall not be subject to any alteration or addition except at the October meeting of the Assembly and after notice given at the previous October meeting.

SCHEDULE C.

1. Upon trust that the church being persons for the time being united together in fellowship forming a Christian church of the Congregational or Independent denomination and called church members shall be permitted to erect on the land a church building vestry school-house parsonage offices and other buildings with all necessary appendages in such form and at such period or periods as they may think proper and direct.
2. Upon trust to permit the said premises to be used occupied and enjoyed as a place for the public worship of God according to the usages of the Congregational denomination commonly called Independents under the direction of the church for the time being assembling for worship therein and for the instruction of children and adults and for the promotion of such other religious or philanthropic purposes or for the residence of the pastor or other persons as the said church shall from time to time direct. And under the direction of the said church 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.
3. And upon trust to permit the persons appointed for that purpose by the said church to receive all moneys and subscriptions given or paid for the use of pews and sittings or otherwise contributed for the purposes aforesaid which moneys and subscriptions shall in the first place be applied in the discharge of all interest on borrowed moneys premiums for insurance against fire trustees expenses and other claims properly payable thereout and the residue thereof shall be applied for the maintenance of Divine worship in the said premises and other the purposes of these presents as the said church shall from time to time direct.
4. And upon trust to permit such persons only to officiate in the said premises as stated pastors as shall be of the denomination aforesaid and shall hold the doctrines set forth in Schedule A to this Act and shall (except as to the present pastor) have been chosen by the said church. And shall not permit to officiate in the said premises as a stated pastor any person who shall be guilty of immoral conduct or who shall cease to be of the denomination aforesaid or who shall cease to hold the said doctrines or who shall have been removed from his office by the said church.
5. And upon trust to permit such occasional ministers or other persons to officiate in the said premises as the stated pastor shall appoint or if there be no pastor as the deacons or deacon thereof shall (unless the said church shall otherwise direct) appoint.

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6. And upon trust to raise such sum or sums of money when and on such terms as shall be directed by the said church by deposit of the title deeds or by mortgage (with or without powers of or trusts for sale) of the said premises or any part thereof and to execute all proper assurances for that purpose.

7. And 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 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 and in the said respective cases to assure the same accordingly.

8. And upon trust to stand possessed of the money which from time to time shall be received on any sale mortgage or exchange made in pursuance of these presents upon trust after making provision for the payment of all charges upon the trust estate and of the expenses incurred by the said body corporate to invest lay out or dispose of the same 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 the enlargement repair or building of the trust premises and the purchase of other property or properties or any of them or otherwise as shall be directed by the said church.

9. And upon trust to demise the said trust estate or any part or parts thereof for such period at such rent and upon such terms and conditions as shall be directed by the said church and that the rent and other money arising therefrom shall be applicable in the manner prescribed in clause III of this Schedule with respect to the money therein mentioned and that the reversion of the trust estate shall be subject to all the powers of sale mortgage and exchange and the directions and trusts relating thereto as hereinbefore or hereinafter contained.

10. Provided always that a receipt under the seal of the said body corporate and signed by two members of the Committee of the said body corporate for any mortgage sale exchange rent or other moneys payable in respect of the said trust premises shall exonerate the persons taking the same from all liability to see to the application thereof and that it shall not be incumbent on any mortgagee purchaser or tenant of the said premises or any part thereof or on any person taking the same in exchange to inquire into the necessity or propriety of any such mortgage sale letting or exchange or its authorization by these presents or into the due election of any new trustees or trustee hereunder.

11. Provided also that (in addition to and without prejudice to the power hereinbefore contained) in case the said corporate body shall be required to pay any money for which they shall be liable in relation to the trusts in this Schedule contained and the same shall not be duly provided by the said church or otherwise than by such corporate body it shall be lawful for the said corporate body without the consent or direction of the said church or any member thereof after the expiration of six calendar months written notice from the secretary of the said corporate body duly authorized in that behalf requiring payment of such money and stating the intention of the said corporate body in case of default to mortgage or sell the said premises as hereinafter mentioned given to the then pastor for the time being of the said church if there shall be such pastor and 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 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 the said church to act instead of deacons and also affixed to the doors of the said church building on three successive Sundays to mortgage or sell all or any part of the said trust premises when and in such manner in all respects as the said corporate body shall think proper and out of the proceeds thereof to pay all expenses of and incident to such mortgage or sale and fully to reimburse and indemnify the said corporate body so liable and then to dispose of the net residue thereof (if any) in such manner and for such religious purposes (not tending to the promulgation of doctrines inconsistent with those set forth in Schedule A to this Act) as are provided in clause three of this Schedule. And it is hereby declared that it shall not be incumbent on any mortgagee or 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 of such notice having been given as aforesaid.

12. That every assembly or church meeting to be hereafter convened for directing or fulfilling any of the purposes aforesaid 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 absolute 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 used for public worship on the hereditaments hereby granted or hereafter acquired 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 each of the public services 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 presented a request in writing under the signature of the Chairman of the meeting so held to the said body corporate.

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13. That only the members present at any such meeting of the age of twenty-one years and upwards shall be allowed to vote and that no person who shall have been admitted as an occasional communicant or who shall not have been a member of the church and shall not have been so inscribed on the church books for the space of three calendar months immediately prior to such meeting shall be entitled to vote or take any part in any of the church matters aforesaid.

14. That the chairman of every such meeting as aforesaid shall be the pastor of the church or in 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 at the meeting and that 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.

15. That the administration of the affairs of the said church shall not except as herein specifically directed be in any manner affected.

16. Provided also that if at the time of the execution of the conveyance of the land to the said body corporate or at any time thereafter there shall be no such church as aforesaid formed or established in the district where such land is situate the said body corporate shall until such church 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 church existed and consented thereto or directed the same to be done and performed.

17. Provided also that if no such church be formed within five years from the date hereof or if the said church shall be dissolved or dispersed and not be again formed within six calendar months next thereafter or if the stated public worship of God in the said premises shall be discontinued for two years together then and in either of the said cases upon trust 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 religious purposes (not tending to the promulgations of doctrines inconsistent with those set forth in Schedule A to this Act) as shall be directed by the said body corporate.
