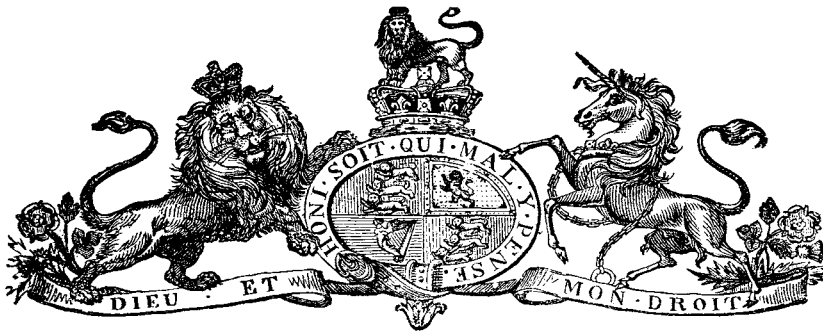


T A S M A N I A.

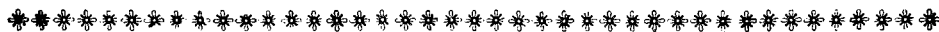


1887.

ANNO QUINQUAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 7.



AN ACT to incorporate the Congregational A.D. 1887.
Union of *Tasmania*. [3 October, 1887.]

WHEREAS certain persons, being members of a religious body or denomination called Congregationalists or Independents, in the Colony of *Tasmania*, and holding as their general tenets the doctrines set forth in Schedule (A.) hereto, many years since formed an Association called "The *Van Diemen's Land* Home Missionary and Christian Instruction Society": **PREAMBLE.**

And whereas the said Association was thereafter merged into and became "The Congregational Union of *Van Diemen's Land*":

And whereas the last-mentioned Association subsequently became known as "The Congregational Union and Mission of *Tasmania*":

And whereas the present constitution of the last-mentioned Association is set forth and described in the Schedule (B.) hereto:

And whereas certain real and personal property in connection with the said Associations or some of them are now 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 said real and personal property in connection therewith should be held upon the same trusts:

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A.D. 1887.

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:—

Short title.

1 The short title of this Act is “The Congregational Union Incorporation Act, 1887.”

Interpretation
of the word
“Church.”

2 In this Act the word “Church” shall mean the persons for the time being united together in fellowship forming a Christian Church of the Congregational or Independent Denomination, and called “Church Members”; and throughout this Act the said 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 body corporate hereinafter mentioned.

Union incorpo-
rated.

3 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 and Mission of *Tasmania*,” from henceforth shall be a body corporate by the name of “The Congregational Union of *Tasmania*,” 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; 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 from time to time be found 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, or in any other manner which the Executive Committee hereinafter mentioned shall deem expedient or proper, 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 Executive 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. The seal shall only be affixed by virtue of a Resolution of the said majority, and in the presence of Two members of the said Committee and the Secretary for the time being of the said Union. And the said Two members and Secretary shall sign their names to the document to which the seal has been affixed.

Trustees of land,
&c. held in trust
for Independents
or Congregation-
alists empowered
to convey to the
Union.

4—(1.) All persons who now hold or in whom are vested any real or personal property as Trustees in trust for the said body or denomination called Congregationalists or Independents, or for any Church connected therewith, shall, subject to the proviso hereinafter contained, convey or transfer 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 (if any) under which such real or personal property had been theretofore held shall thereupon cease and determine.

(2.) If any of the said Trustees shall at the time of the execution of such conveyances be absent from the said Colony, then any of his Co-

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Trustees may act as his attorney, and sign and execute any such conveyance for every such Trustee so absent from the Colony as aforesaid ; and such signature and execution shall have the same effect as if the conveyance was signed and executed by the Trustee so absent from the Colony as aforesaid. A.D. 1887.

(3.) If any Trustee is, or Trustees are, absent from the Colony, or if there be no Trustee, or if any Trustee or Trustees cannot be found, or if any Trustee or Trustees refuse or decline or are or is unable or incapable from any cause whatever to execute such conveyance or to make such transfer, then and in any and every such case it shall be lawful for the said Executive Committee by Resolution to nominate any Two members of such Committee to execute a Deed Poll to convey or transfer any real or personal property to the said body corporate ; and when and so soon as the said Deed Poll shall have been executed by the said Two members, then the said property shall be deemed to be vested in the said body corporate.

5 When there is an existing Church interested in any real and personal property, then such Trustees shall not make any such conveyance or transfer as aforesaid of the said real or personal property to the said body corporate, nor shall the said Deed Poll be executed until there has been first obtained the consent and direction of the majority of the church members in trust for whom such property is held present at a meeting duly convened as hereinafter mentioned for that object ; 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, 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 property 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 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. The said direction or consent shall be signed by the Chairman of the said meeting or by some other person deputed by the said meeting for such purpose. No such conveyance to be made until consent and direction of majority of Church members obtained.

6 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 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 Church matters as aforesaid. Members entitled to vote.

7 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 the Chairman of such Who to be Chairman of meeting.

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meeting shall have a deliberative vote, and in case of an equality of votes on any question, shall have a casting vote.

SCHEDULE.

(A.)

1. THE existence of one only God—Father, Son, and Holy Spirit.
 2. 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.
 3. The necessity of the influence of the Holy Spirit for the renewal of man to life and holiness.
 4. The moral responsibility of man and the unlimited nature of the invitations of the Gospel.
 5. The divine inspiration of Holy Scripture contained in the Old and New Testaments.
 6. The life to come, with its rewards and retributions.
 7. The exclusive right of every Church to manage its own affairs.
 8. The baptism of infants, and of adults who were not baptised in infancy.
 9. The celebration of the Lord's Supper, according to His command.
 10. The aforesaid Articles are intended to indicate and not to define, and are to be construed as expressing not the full creed of Congregationalists or Independents, but simply as supplying safeguards for the preservation of Church property to the Congregational or Independent Body.
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(B.)

CONSTITUTION OF THE CONGREGATIONAL UNION AND MISSION OF TASMANIA.

PRINCIPLE.

The Union of Congregational Churches and Ministers in Tasmania is founded on a full recognition of their distinctive principle, namely, the Scriptural right of each Church to maintain perfect independence in the government and administration of its own particular affairs.

Name.

Composition.
Objects.

Funds.

1. The Society shall be called "The Congregational Union and Mission of Tasmania."
2. It shall consist of Congregational or Independent Churches.
3. The following shall be the objects of the Union and Mission :—
 - i. To promote the spread of the Gospel.
 - ii. To cultivate brotherly love and co-operation among the associated Churches.
 - iii. To diffuse information on the principles of the Congregational body.
 - iv. To obtain statistics relative to the condition and work of the Churches.
 - v. To establish fraternal correspondence with other Churches and Unions.
 - vi. To address, when expedient, a Circular Letter to the Churches of the Union.
 - vii. To bring into the Colony accredited Congregational Ministers, to educate young men for the Ministry, and to employ Lay Preachers.
 - viii. To maintain our civil rights.
4. The funds shall be provided by contributions from the Churches, and by individual subscriptions, donations, and bequests. Every Church shall be required to make at least one collection in the course of each year.

Congregational Union Incorporation.

5. The control of the affairs of the Union and Mission shall be vested in a body to be called the General Council, which shall consist of Representative and Personal Members. A.D. 1887.

General Council.

- i. The Representative Members shall consist of Pastors who have been admitted into the Union, and of the delegates of the Associated Churches, each Church consisting of not more than Thirty Members being entitled to send Two delegates, with an additional delegate for every Twenty Members above the first Thirty.
- ii. The Personal Members shall be Congregational Ministers not having Pastoral charges, and Members of Congregational Churches who shall have been admitted to Membership by a vote of the General Council, and who shall be annual subscribers of Five Shillings and upwards.

6. The admission of Churches, Pastors, or Personal Members to the Union shall take place only at meetings of the General Council. Each Church or Pastor or Personal Member to be proposed by Two Members of the Council,—the question of admission to be decided by the vote of the meeting. Any Minister applying for Membership in connection with this Union shall present satisfactory credentials with such application. Admission.

7. The General Council shall annually elect a Chairman, Secretaries, Treasurers, Auditors, and Two Mission Committees, one for the North and one for the South, each to have power to conduct the Mission work in its own District; the Southern Committee, with the Pastors who are Members of the Union, to be the Executive of the Union. Officers and Executive Committee.

8. Each Mission Committee shall consist of the Ministers and Officers of the Union in its own District, and Twelve Delegates. Mission Committees.

9. The Treasurers shall receive contributions, make payments under the direction of their respective Committees, and present their accounts, duly audited, at the Annual Meeting of the General Council. Treasurers.

10. The Secretary of the Executive Committee, in summoning the General Council, shall give notice to the Pastors of Churches Six weeks before the time of meeting; or if any Church be without a Pastor, to one of its Deacons. He shall also take account of all the Members present at the Meetings of the General Council, record its transactions, and present the reports of the Committees. Executive Secretary.

11. Every Church receiving aid from either Mission Committee shall, when about to choose a Minister, obtain the concurrence of such Committee. Churches receiving aid.

12. The duties of the two Committees shall be—

Duties of Committees.

- i. To promote union and intercourse among the Churches in their respective districts.
- ii. To ascertain the state and progress of the several Stations and Churches within their districts receiving aid from the Committee.
- iii. To look out new fields of Evangelistic labour in their districts, and to adopt measures to provide them with religious services.
- iv. To correspond with each other, in order to further the work, and to furnish annual reports to the General Council.
- v. To apply their funds to the following purposes :—
 - (i.) To assist, when necessary, in bringing Ministers into the Colony.
 - (ii.) To occupy new fields of Mission labour.
 - (iii.) To employ Ministers and Lay Preachers.
 - (iv.) To assist Churches by grants-in-aid.
 - (v.) To meet the expenses of carrying on the business of the Union and Mission.
 - (vi.) To purchase sites for Churches in special cases.

13. The Order of Proceedings at the Annual Meeting of the General Council shall be as follows :— Annual meeting.

- i. Preliminary meeting for receiving Roll of delegates, notices of motion, and arranging the order of business.
- ii. Devotional exercises.
- iii. Chairman's address.
- iv. Minutes of previous meeting.
- v. Officers for next year to be chosen by Ballot: Chairman, Secretaries, Treasurers, Auditors, Committees.
- vi. Admission of Churches, Pastors, and Personal Members.
- vii. Reports of Committees.
- viii. Treasurer's Statements.
- ix. Business arising out of the Reports.
- x. Business according to the order in which notice has been given.

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Alteration of the
Constitution.

xi. Reports of Ministers Provident Fund, Widows Fund, Cemetery, and supplementary business.

xii. Chairman's concluding remarks—Devotional exercises.

14. Any Member wishing to propose an alteration in the Constitution of the Union shall give notice to the Secretary of the Executive Committee Two full months before the Annual Meeting of the General Council; and the Secretary, in summoning the Meeting, shall give notice of such proposal.

Revised and adopted at the General Council of the Congregational Union and Mission of *Tasmania*, held at *Launceston* on the Thirteenth day of *March*, One thousand eight hundred and seventy-nine.

CHARLES PRICE, *Chairman*.

W. C. ROBINSON, }
H. BUTTON, } *Secretaries*.

(C.)

1. Upon trust to permit the Church 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 lands and premises to be used, occupied, and enjoyed as a place for the public worship of God according to the usages of the denomination commonly called Congregationalists or Independents, under the direction of the Church for the time being assembled 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 such 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. And upon trust to permit any portion of the said lands to be used for Cemetery purposes.

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, expenses of the said body corporate as trustees, 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 (unless the said Church shall otherwise direct) appoint.

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

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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, and 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. A.D. 1887.

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 moneys arising therefrom shall be applicable in the manner prescribed by Clause Three 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 Executive 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 or thechaser or tenant of the said premises or any part thereof, or on any person taking pur same in exchange, to enquire into the necessity or propriety of any such mortgage, sale, letting, or exchange, or its authorisation by these presents.

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 it 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 body corporate duly authorised 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 a 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.) of 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 enquire into the necessity for or propriety of any such mortgage or sale, or as to the fact of such notice having been given aforesaid.

12. That every Assembly or Church meeting to be hereafter convened for directing or fulfilling any of the purposes mentioned in Clauses Six to Eleven of this Schedule inclusive 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 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.

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

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Three calendar months immediately prior to such meeting, shall be entitled to vote or take any part in any of the matters referred to in the preceding Clause.

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 have a deliberative vote, and in case of an equality of votes on any question, shall have a casting vote.

15. A statutory declaration by the Chairman of any such meeting as aforesaid shall be conclusive evidence that the required majority of the Church have given their consent to any matter hereinbefore referred to as requiring such consent as aforesaid.

16. That the administration of the affairs of the said Church shall not, except as herein specially directed, be in any manner affected.

17. 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 and established in the district or place 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.

18. 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, in the discretion of the said body corporate, 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 promulgation of doctrines inconsistent with those set forth in Schedule (A.) to this Act) as shall be directed by the said body corporate.