

Baptist Trust Deeds.

(Continued from page 110.)

IN 1837, the Southern Association requested the Baptist Union to appoint a committee "for the purpose of devising and carrying into effect a remedy for the evils of the Chapel Deed system," and at the Union's Annual Assembly in the following April, the committee was appointed. Twelve months later the committee reported and submitted draft of a proposed Baptist Union model trust deed. The 1839 Assembly referred the report and deed to the Union's general committee, which gave exhaustive consideration. Ultimately, on the 23rd April, 1840, a sub-committee reported "that as the matter of the trust deeds does not appear to be in sufficient forwardness for the adoption of any practical measure, it be recommended to the committee to print the entire documents as an appendix to the next Report of the Union." Unfortunately this suggestion was negatived and the first adventure of the Union into the realm of a denominational trust deed thus ended in failure.

A few weeks later the Dissenting Deputies forwarded to the Union "the heads of a Bill intended to be submitted to Parliament relative to the vesting of Dissenting Chapels and other property in Commissioners." The "heads" were of a far-reaching character, for the Deputies were men of vision; and it is not surprising that, after receiving the report of a sub-committee, the cautious Union considered it "inexpedient to apply to Parliament on the subject." The sub-committee's report, which indicates the general trend of the "heads," was as follows:

"It was thought that considerable trouble and expence would be incurred in seeking to obtain such an Act of Parliament.

That it is not probable that a remission of Stamp duties would be granted.

That it would be necessary to have a paid Clerk, even if Commissioners could be found to undertake gratuitously the responsibility which would be thrown upon them, and it would be necessary to have a building erected in which the enrolment of the deeds could be preserved.

That a considerable part of the object contemplated might be carried into effect, so far as the Baptist Denomination is concerned, by the preparation and publication of a model deed, and by the formation of a set of

Trustees to whom might be conveyed all the chapels, &c., of the Denomination, without an Act of Parliament, in which case one conveyance would be sufficient to transfer all the chapels, &c., vested in them on the filling up of any vacancy in the Trustees."

Trustees to whom might be conveyed all the chapels of the denomination! One Conveyance to transfer all the chapels when filling a vacancy! Such proposals, if made to-day, would cause some deacons to shiver with apprehension lest their local control and freedom would be lost. But these suggestions were made by leading Particular Baptists ninety years ago, long before the days of the Baptist Church House and denominational Property Boards. Were these men such rigid independents after all? Or, did they value fellowship and mutual confidence and business methods higher than independence?

Defective deeds long troubled the officers of the Baptist Building Fund, who required that the deeds of churches to which loans were made should secure: (1) that the meeting-house be for the use of a society of Particular or Calvinistic Baptists; (2) that the election of new trustees be vested in the church; (3) that proper provision be made for the future of the property in the event of the dissolution of the church. Many deeds submitted to the Fund did not fulfil these requirements, and, in May, 1850, in response to the increasing number of requests which reached them, the Fund's officers, fervently hoping they were not "trespassing beyond their duty, or infringing on the liberties of the churches," adopted a form of trust deed which they "believed would be found to include what was really necessary in as small a compass as possible." Two clauses of this deed interest us. The first, dealing with the user of the property, declared that the premises were held:

"Upon trust at all times hereafter to permit the said meeting-house and premises to be used as a place of public religious worship by the Society of Protestant Dissenters, called Particular or Calvinistic Baptists, now meeting for divine worship therein, and also by such other persons as shall hereafter be united to the said society, and for that purpose to permit to officiate in the said meeting-house, and to reside in any house which may be erected upon the same premises for that purpose, such person or persons of the denomination of Protestant Dissenters called Particular or Calvinistic Baptists, as the members of the said society present at any church meeting duly assembled for that purpose by public notice, to be given in the said meeting-house during public worship on the two Sundays immediately preceding such church meeting, or two third parts of them

in number, shall from time to time elect as their minister or pastor therein, during their will and pleasure only."

The second, dealing with the *cestui que* trust, declared that "in case the said society of Particular or Calvinistic Baptists shall be totally dissolved or dispersed, and the regular public worship at the said meeting-house be discontinued by them for the space of twelve calendar months together, then upon further trust to let, convey and release, or otherwise dispose of the said meeting-house, hereditaments and premises, with the appurtenances, to such person or persons, for such term in such manner, and for such purposes as the . . . Baptist Building Fund . . . shall from time to time direct or appoint of or concerning the same."

This deed is a landmark in the development of Baptist trust deeds. Not only was it the first deed officially prepared and adopted by a Baptist Society for the use of Baptist Churches, but also, in its elimination of itemised doctrines, it represented a definite step in the simplification of trust deeds. Naturally it did not meet with complete acceptance. Baptists have a flair for thinking that anything prepared by a central authority can be substantially improved locally, and from time to time individual churches felt it necessary to add various articles of faith in order to indicate more clearly what they understood by the term "Particular or Calvinistic." Nevertheless, the deed became, and for three or four decades remained, the standard form of the Particular Baptist section of the denomination.

Possibly inspired by the action of the Baptist Building Fund the General Baptists of the New Connexion at their 82nd Annual Association at Derby in the following year appointed a Committee "to prepare a form of Chapel Trust Deed which might serve as a Model Deed for the denomination." Three years later, in 1854, the Committee submitted a draft, and, after the Association had "considered the clauses seriatim and made various alterations," it was adopted, and printed in full in the Association's Minutes. The trusts were eight in number, and, as with the Baptist Building Fund deed, two clauses only concern us. These are the first and the seventh, which are as follows:—

- I. "Upon trust to permit a chapel schoolrooms and other suitable buildings to be erected upon the said piece of ground by the voluntary contributions of the General Baptists of the New Connexion and other persons favourable to the said object and after the completion thereof to permit the same to be used for Religious Worship and Educational purposes by the General Baptist Church of the New Connexion which shall be formed there holding and teaching the doctrines following viz.—1. The Divine inspiration of

the Holy Scriptures. II. That man is by nature a fallen and sinful being. III. That man is justified by Faith only in the Lord Jesus Christ. IV. The perpetual obligation of the Moral Law and the necessity of personal Holiness. V. The regeneration of the soul of man by the influence of the Holy Spirit. VI. The proper Godhead and Manhood of the Lord Jesus Christ and that he suffered death to make a full Atonement for the sins of all men and VII. The Baptism by immersion of Believers only—and for such other Religious or charitable purposes as shall from time to time be resolved upon by the said church in church meeting assembled.”

- VII. *And Upon further trust* that if at any time hereafter the said church shall be reduced or dispersed . . . then the said trustees shall offer the said hereditaments to any neighbouring church of the said General Baptist New Connexion which may be willing to undertake to resuscitate the said cause and shall convey the same to trustees appointed by such neighbouring church. . . . And if no such neighbouring church shall be willing to undertake it then *Upon trust* to offer the same to the Association of the said General Baptist New Connexion at their next annual meeting, and if the said Association should not at such meeting elect to take it and forthwith do so then “*Upon trust* to sell and dispose of the said hereditaments . . . *Upon trust* to apply the proceeds of the said sale first in payment of expenses and all debts then owing upon or in respect of the said trust premises and to pay the surplus if any to and for such Religious or charitable purposes as the said Association at their annual meeting should order or direct.”

Clause 7 reflects the warm regard which General Baptists had for their Association life and organisation. It is different from anything found in Particular Baptist deeds. The identification of the church as the *General Baptist Church of the New Connexion* was important. There was to be no risk of the buildings being used by a church of the old General Assembly of the General Baptists or by a General Baptist Church of evangelical sentiments which remained out of fellowship with the New Connexion. Noteworthy also is the relationship of the Association to the ultimate trusts.

A deed of much interest is the Model Trust Deed of the Yorkshire Association adopted in 1889. This ignores the doctrinal issues between Particular and General Baptists, and, after reciting that the building had “been used as a place of religious worship and teaching by a congregation of people called Baptists,” declares that it was held upon trust to be used,

occupied and enjoyed by such congregation "or by such other church or society as shall for the time being be authorised to use and occupy the same by the Committee for the time being of the Yorkshire Association of Baptist Churches." Later in the deed power is given to sell the trust premises: (a) If the members, in conditions which are set out, deem it advisable "and shall obtain the consent of such sale of the Committee for the time being of the Yorkshire Association"; (b) "If the Yorkshire Association . . . deem it advisable . . . and shall at an Annual Meeting of the Association pass a resolution to that effect of which resolution not less than three months' previous notice shall have been given at one of the Committee Meetings of the said Association." . . . A further provision provides that the proceeds of sale shall be used in the purchase or erection of a new chapel and premises to be held on the same trusts or applied by the Association "for such purposes as the said Association at its Annual Meeting shall from time to time direct." With the object of shortening and simplifying trust deeds, the general tenor of this Model Deed was, in 1907, incorporated in a Deed Poll enrolled in Chancery. A short form of Conveyance is therefore now used and, by reference, the Deed Poll is deemed incorporated. In giving such complete control of the property to the Association these model trusts mark another distinct stage in the development of our denominational trust deeds.

(To be concluded.)

SEYMOUR J. PRICE.

THE CAREER of De Veil, as set forth in our pages, has excited considerable interest in circles he once adorned. From the continent are coming appreciative welcomes, especially by Huguenots. We are much indebted to Mr. Wilfred S. Samuel, who offered us this sketch many years ago, and has now fulfilled his promise so amply. It is a pleasure to have a story so well searched out and documented, by a scholar and merchant of the Jewish faith.