

Baptist Union Incorporation Act 1923

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Trusts upon which church properties to be held.

An Act to incorporate The Baptist Union of New Zealand, and to vest certain Real and Personal Property in the Union, and to provide for the Transfer of Real Property to the Union to be held in Trust for Individual Churches of the Union.

Preamble

WHEREAS certain persons, being members of the religious denomination called Baptists, in the Dominion of New Zealand, and holding as their general tenets the articles of faith set forth in Schedule 1 hereto, did in or about the year eighteen hundred and eighty-two form an association called “The Baptist Union of New Zealand”: And whereas the members of the said association have met in conference annually since the date of its formation: And whereas the existing constitution and rules of the said association are set forth in Schedule 2 hereto: And whereas the said association has from time to time raised sums of money and created special funds—(a) to augment the salaries of the ministers and home and foreign missionaries within the said association; and (b) to provide annuities for ministers and home and foreign missionaries of the said association, and the wives and children of such ministers and missionaries: And whereas the said trust funds of the said association and the securities therefor and the names of the trustees holding the same are severally set forth and described in Schedules 3 and 4 hereto: And whereas certain lands and buildings within the Dominion of New Zealand are vested in trustees for the said association: And whereas certain other lands in connection with the various Churches of the said denomination are vested in trustees elected by the said Churches individually and in trust Boards incorporated under the Charitable Trusts Act 1957, upon the trusts declared in the several declarations of trust affecting the same respectively: And whereas the sole right of appointment of trustees to hold the real and personal property of a certain institution near

the City of Auckland, called the Manurewa Children's Home, and formerly known as the Remuera Children's Home, is vested in and exercised by the said association: And whereas the real property of the said Manurewa Children's Home and the mortgages held as security for certain trust funds thereof and the names of the existing trustees are described and set forth in Schedule 5 hereto: And whereas from time to time inconvenience is occasioned by the vesting of the property of each Church and of the Manurewa Children's Home and of the said association in separate sets of trustees, and difficulties arise through the death, incapacity, resignation, or absence from New Zealand of trustees: And whereas it is expedient that the said association should be incorporated with the powers hereinafter conferred:

The reference to the Charitable Trusts Act 1957 was substituted, as from 1 January 1958, for a reference to the "Religious, Charitable, and Educational Trusts Act 1908" pursuant to section 63(1) Charitable Trusts Act 1957 (1957 No 18).

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

This Act may be cited as the Baptist Union Incorporation Act, 1923.

2 Interpretation

In this Act, if not inconsistent with the context,—

Church means the persons for the time being united in Christian fellowship and forming a church of the religious denomination known as Baptists which is for the time being entitled to send representatives or delegates to the conferences of the Union

Council means the body, under whatever name it may for the time being be called by the constitution and rules of the Union, which is constituted and empowered by the said constitution and rules to exercise the administrative powers of

the Union during the interval between the annual conferences or assemblies of the Union.

Council: This definition was inserted, as from 1 December 1970, by section 2 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

Union means the Baptist Union of New Zealand incorporated under this Act

Church members means persons whose names are on the membership roll for the time being of any Church within the Union.

3 Incorporation of Baptist Union of New Zealand

The association heretofore known as the Baptist Union of New Zealand is hereby constituted a body corporate by the name of “The Baptist Union of New Zealand”, and shall have perpetual succession and a common seal, with power to purchase, hold, sell, exchange, mortgage, lease, and dispose of real and personal property, and to do and suffer all that bodies corporate may lawfully do and suffer.

4 Special powers of Union

It shall be lawful for the Union from time to time to do all or any of the following things:—

- (a.) To borrow sums of money upon security of a mortgage of any property vested in the Union or without such security and to apply the same to the purposes of the Union, but subject to any trusts affecting any property upon the security of which any such moneys shall have been borrowed:

Provided that no person advancing any money to the Union shall be concerned to see to the application thereof or to inquire into the necessity or propriety of any such borrowing:

- (b.) To hold any real and personal property upon trust for any Church, or any Union, auxiliary, society, club, or association of Church members, incorporated or unincorporated, or for any purpose of the Church or Church members; and to sell, exchange, mortgage, convey, transfer, lease, let, accept surrenders of leases, and otherwise dispose of or deal with any real and personal

property of such Church or body in accordance with the trusts upon which the same may be held:

- (c.) To govern, manage, control, and maintain the Manurewa Children's Home, and to establish, govern, maintain, and control other homes, schools, colleges, and institutions of a religious, charitable, or educational character, and more particularly those which may tend to enlarge or extend the work, activities, and usefulness of the Church and the Church members:
- (d.) To become a member of or affiliated to any other body organized for religious, charitable, or educational purposes, provided the objects of such other body are not inconsistent with the objects of the Union:
- (e.) To raise a special fund for and to insure the Church buildings, halls, houses, and furniture of the Union, and of all Churches which are or may become members of the said Union, against loss or damage by fire, earthquake, or tempest; and to rebuild, repair, replace, or reinstate any of such insured property as may be destroyed or damaged as aforesaid out of the said special fund or out of the general funds of the Union, and to reinsure any risk so undertaken by the Union, and to join or subscribe to any salvage or protection association or committee:
- (f.) Generally to exercise, subject to the provisions of this Act, all powers incidental to a body corporate.

5 Constitution of Union

- (1) The constitution and rules of the Baptist Union of New Zealand set forth in Schedule 2 hereto, with such amendments, modifications, and additions as may from time to time be made thereto, shall be the constitution and rules of the Union.
- (2) The said constitution and rules may be amended, modified, or added to from time to time by resolution duly passed by a majority of the persons present and entitled to vote at any meeting of the annual assembly of the Union:

Provided that notice of intention to propose such resolution, specifying the proposed amendment, modification, or addition, and the day and hour when and the place at

which the assembly at which it is to be proposed is to be held, shall be sent to the secretary of every Church or published in the denominational magazine known as The New Zealand Baptist not less than three nor more than six months before the date of the meeting:

Provided also that no resolution diminishing the rights of the contributors to the Annuity Fund of the Union shall be passed without the consent in writing of two-thirds of the subscribers whose rights may be affected thereby.

- (3) A certificate purporting to be signed by the chairman of the meeting to which any such resolution shall be submitted that the said notices were duly sent or published, and that the consent of the said contributors (if required) was duly obtained, and that the said meeting was duly held, and the resolution duly passed, shall be conclusive evidence of the matters stated therein.

6 Custody and use of common seal

The Council shall have the custody of the common seal, which shall be used only by the authority of the Council or of a committee of the Council authorised by the Council in that behalf, and every instrument to which the seal is affixed shall be signed by the secretary of the Union or by a member of the Council authorised in that behalf by the Council or the committee thereof and countersigned by another member of the Council appointed for the purpose by the Council or the committee.

Section 6 was substituted, as from 1 December 1970, by section 3 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

7 Funds and securities vested in Union

The general funds and all securities for such funds, and also all moneys, documents, books, and papers, held by any person or persons on behalf of the Baptist Union of New Zealand are hereby vested in the Union, and shall be held and disposed of in accordance with its constitution and rules.

7A Amalgamation of investments

The Union may amalgamate for the purpose of investment the whole or any part of the investments any money of any capital funds which it holds upon trust for any religious or charitable purposes within the general purposes of the Union, and shall apply the income arising from such amalgamated investment in accordance with the trusts pertaining to the several funds in proportion to the amounts thereof.

Section 7A was inserted, as from 20 December 1970, by section 4 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

8 Property referred to in Schedules 3, 4, and 5 vested in Union

From and after the coming into operation of this Act—

- (a.) All the estate and interest of the several persons named in Schedules 3, 4, and 5 hereto (whether in fee-simple or for any lesser estate in the lands set forth and described in the said Schedules, or as mortgagees of any of the said lands) shall, without any assignment, transfer, conveyance, or other assurance whatsoever, vest in and be held by the Union upon the trusts under which they are now held respectively by the said several persons:
- (b.) Upon production to any District Land Registrar appointed for and acting in any district constituted under the Land Transfer Act 1952, or any other Act for the time being in force relating to the transfer of and registration of title to land, of a copy of this Act, together with a request in writing under the seal of the Union requiring him so to do, such Registrar shall cause the name of the Union to be entered as registered proprietor upon such of the certificates of title and memoranda of mortgage set forth and described in the said Schedules as may be presented to him for such purpose and also upon the copies of such certificates of title and memoranda of mortgage held by the said Registrar:
- (c.) Upon the deposit in any Deeds Registry Office constituted under the Deeds Registration Act, 1908, or any other Act for the time being in force in New Zealand relating to registration of deeds of a memorial of this

Act describing such of the land mentioned in the said Schedules as may be affected by the said memorial, together with a plan or plans of such land as provided by the said Act, the Registrar or Deputy Registrar, as the case may be, appointed for and acting in the registration district or district to which the same shall relate shall thereupon cause the entries of such memorial to be made in the books of the said Deeds Registry Office, and shall number the said memorial and make a note thereon as required by the said Act.

Appendix B of the Land Transfer Acts Compilation Act 1915 (1915 No 35) replaced the 1908 Act with a compiled Act enacted under the title of “The Land Transfer Act 1915”. That Act was in turn repealed, as from 1 January 1953, by section 245(1) Land Transfer Act 1952 (1952 No 52).

9 Other property vested in Union

From and after the coming into operation of this Act—

- (a.) All property of any kind whatsoever which may then be held by or vested in any person or persons upon trust for the use or purposes of the Baptist Union of New Zealand shall, without any assignment, transfer, conveyance, or other assurance, vest in the Union for the like estate or interest therein, and shall be held and disposed of in accordance with its constitution and rules.
- (b.) All persons in whom any of the said property may be in any manner vested shall be and they are hereby required and empowered, upon a request in writing signed by the secretary of the Union, to deliver all such property as may be personalty and the deeds or documents of title of all such property as may be realty to the executive committee of the said Union; and in any case where the said executive committee may deem it necessary or expedient to obtain an assignment, conveyance, transfer, or other assurance of any such property the said person or persons shall sign, execute, and do all such deeds, instruments, acts, and things as may be necessary for such purposes or any of them.
- (c.) Upon production to any District Land Registrar appointed for and acting in any district constituted under the Land Transfer Act 1952, or any other Act for the

time being in force in New Zealand relating to transfer and registration of title to land of any certificate of title, memorandum of mortgage, or other instrument of title under the said Acts or any of them, together with a statutory declaration by any two members of the executive committee of the Union to the effect that the land mentioned and described in the said certificate or instrument of title, or the mortgage or other instrument, is held by the person or persons mentioned in such certificate of title, memorandum of mortgage, or other instrument of title for or on behalf of the Union, such Registrar shall cause the name of the Union to be entered upon such certificate, mortgage, or other instrument of title as the registered proprietor of the estate or interest claimed therein.

- (d.) Upon the deposit in any Deeds Registry Office constituted under the Deeds Registration Act, 1908, or any other Act for the time being in force in New Zealand relating to registration of deeds, of a statutory declaration by any two members of the executive committee of the Union that the land mentioned in the said declaration is held by the person or persons in whom the same may be vested for and on behalf of the Union, and describing the land to which the same relates, together with a plan or plans of such land as provided by the said Act, the Registrar or Deputy Registrar, as the case may be, appointed for and acting in the registration district or district to which the same relates shall thereupon cause the entries of such declaration to be made in the books of the said Deeds Registry Office, and shall number the said declaration and make a note thereon as required by the said Act.

The reference to the Land Transfer Act 1952 was substituted section from 1 January 1953, for a reference to the Land Transfer Act 1915 pursuant to section 245(1) Land Transfer Act 1952 (1952 No 52).

9A Joint charitable trusts

- (1) The Union may, if it thinks fit, join or co-operate with any other Christian church or denomination or persons belonging to or representing such a church or denomination

in promoting, forming, establishing, or maintaining any charitable institution.

- (2) For the purposes of subsection (1) of this section the Union may transfer any land or other property or pay any money (not being land, property, or money held by it upon trust for any church) to a trust board, trustee, committee, corporation, or other body for the purpose of the institution if—

The transfer or payment is not contrary to the provisions of any will, deed, or other instrument which created the trusts upon which the land, property, or money is held; and

The Union is or Baptists are, in the opinion of the Union, sufficiently represented on the board, committee, or other authority controlling or administering the institution.

Land, property, or money transferred or paid pursuant to this section shall be deemed not to have been applied for the purpose tending to the promulgation of articles of faith inconsistent with those set forth in Schedule 1 to this Act.

Section 9A was inserted, as from 1 December 1970, by section 5 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

10 Church trustees may convey or transfer property to Union to be held in trust for purposes of Church

- (1) The trustees in whom any land is vested upon trust for any Church may, with the consent and by direction of that Church convey or transfer the same to the Union; and thereafter the said land shall be held by the Union upon the trusts set forth in Schedule 6 hereto, and upon such further trusts (if any) as may be declared under section eleven hereof; and upon such conveyance or transfer the trusts upon which the said trustees held the said land shall cease and determine.
- (2) The consent and direction of a Church required under the last preceding subsection shall be expressed by a resolution carried by a majority of the Church members present at a meeting duly convened by notice in writing stating the object of the meeting and the day and hour when and the place at which the meeting is to be held, and signed by the minister of the Church.
- (3) If the minister shall neglect to sign such notice for fourteen days after receiving a request in writing signed by not less than one-fifth of the Church members, or if there shall be no

minister, then the notice may be signed by the secretary, or senior elder, or senior deacon, of such Church on receipt of a request in writing signed by not less than one-fifth of the Church members.

- (4) The notice shall be posted on the door of the building used for public worship by the Church on at least two consecutive Sundays immediately preceding the day on which such meeting shall be appointed to be held, and shall, if practicable, be read during some part of the public services held on the same two Sundays in such building.
- (5) No person whose name has not been entered upon the membership roll of the Church for at least three calendar months prior to the day on which such meeting is appointed to be held shall be entitled to vote at or take any part in the business of the meeting or any adjournment thereof.
- (6) The chairman of every such meeting as aforesaid shall be the minister of the Church, or in case of his refusal, absence, or incapacity, or of there being no minister, then the chairman shall be the senior deacon of the said Church present at the said meeting and willing to preside, 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.
- (7) If after the consent and direction of a Church has been duly given under subsection two hereof any one or more of the said trustees should refuse or be unable through absence or incapacity to sign the conveyance or transfer referred to in subsection one hereof, such conveyance or transfer shall be valid and effectual, provided it is signed by a majority of the trustees, who shall in such an event add to such conveyance or transfer a certificate that the consent and direction of the Church has been duly given, and that the remaining trustee or trustees have refused or are unable through absence or incapacity to sign such conveyance or transfer.

11 Additional trusts may be declared

The meeting at which any resolution under subsection two of the last preceding section hereof is passed may, by a like majority, determine that, in addition to the trusts set forth in

Schedule 6 hereto, the Union shall hold the said land upon any further or additional trust or trusts declared by such meeting.

11A Properties given to or purchased by church and vested in Union to be held on certain trusts

- (1) Where any land has been or shall be given or devised to the Union in trust for any church, without a declaration by the donor of the trusts upon which the same shall be held or in so far as any express trusts do not extend, the trusts set forth in Schedule 6 to this Act shall apply to that land.
- (2) Where a Church has caused or shall cause any land to be vested in the Union upon trust for that church without any declaration of the trusts upon which the same shall be held or in so far as any express trusts do not extend, the trusts set forth in Schedule 6 to this Act shall apply to that land.

Section 11A was inserted, as from 1 December 1970, by section 6 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

11B Properties held by Union may be declared to be held on certain trusts

- (1) The Union may at any time declare that any land vested in it and not held in trust for a church shall thenceforth be held by it upon trust for a named church whereupon the trusts set forth in Schedule 6 to this Act shall apply to that land for the benefit of the named church but that land shall be subject to payment to the funds of the Union of such sum as the Union may by that declaration require.
- (2) No declaration under subsection (1) of this section shall be contrary to the provisions of any will, deed, or other instrument which created trusts upon which the land is held by the Union.

Section 11B was inserted, as from 1 December 1970, by section 7 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

12 Evidence of resolutions

A certificate purporting to be signed by the chairman of a meeting to which any resolutions under section ten or section eleven hereof shall be submitted that all the provisions of section ten hereof were duly observed, and that the said meeting was duly held, and the resolution duly passed, and

that the meeting duly determined that the land should be held upon the additional trusts set out in the certificate, shall be conclusive evidence of the matters stated therein.

13 Union may convey or transfer property to Church trustees

- (1) The Union may at any time, with the consent or at the request of any Church expressed in the manner provided in sections ten and eleven hereof, convey or transfer any land held by the Union upon trust for that Church to, and to be held upon the same trusts by, any persons or body corporate appointed at the meeting at which the resolution expressing such consent or request is passed, or at any meeting of the Church members held within three months thereafter.
- (2) The president and secretary of the Union, or any person nominated in writing for that purpose by either the president or the secretary, shall be entitled to be present at and take part in any meeting convened to consider any resolution under this section, but shall not vote thereat.

Schedule 1
Articles of faith.

1

THE inspiration of the Bible and its authority in all matters of faith and practice.

2

The true humanity and Deity of the Lord Jesus Christ.

3

The atonement made by our Lord on the Cross for the sin of the world.

4

Salvation by faith in Christ alone.

5

Membership in the Christian Church for the regenerate.

6

The immersion of believers as the only scriptural form of baptism.

Schedule 2

Constitution and rules.

1

THAT the name shall be “The Baptist Union of New Zealand”.

2

That the Union shall comprise the Churches and ministers in the appended lists, together with such Churches, ministers, and other persons as shall be hereafter admitted in accordance with the rules.

3

That the Union fully recognizes that every separate Church has liberty to interpret and administer the laws of Christ, and that the immersion of believers is the only Christian baptism.

4

That the objects of the Union shall be—

- (a.) To promote as close a Union as possible among all the Churches of the Baptist denomination in this Dominion:
- (b.) To afford opportunities for conference, for the public declaration of opinion, and for joint action on questions affecting the welfare of the Churches and the extension of the denomination:
- (c.) The formation and sustenance of Baptist Churches and Sunday schools within the Dominion, the purchase of sites in promising localities with a view to the establishment of Churches and Sunday schools, and the formation of sufficient auxiliary districts to secure the co-operation of all the Churches:
- (d.) The introduction into the Dominion of accredited Baptist ministers, the promotion of measures for educating young men suitable for the work of the ministry, and the recognition and maintenance of evangelists.

5

That each Church within the Union shall contribute annually to its funds.

6

That this Union shall act by its assembly, and through its officers and executive committee and auxiliaries.

7

That the annual assembly shall consist of representatives and personal members. Representative members shall comprise recognized ministers of Churches and delegates. Personal members shall be Baptists, and shall subscribe to the funds of the Union a sum of not less than one dollar per annum.

The words “one dollar” were substituted, as from 10 July 1967, for the words “ten shillings” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

8

That Ministers and personal members shall be recommended by the executive committee, and admitted to the Union by the vote of the assembly at its annual meeting.

9

That personal members be eligible to vote at the annual meeting; the vote of a delegate to equal the vote of ten (10) personal members.

10

That each Church may send two delegates to the annual meeting, but that when there are more than a hundred members in a Church additional delegates may be sent in the proportion of one delegate to each additional hundred (100) members; ministers being members of the Union to be delegates by virtue of their office.

11

That each auxiliary shall be entitled to representation at the annual meeting of the Union by two delegates. The secretary of each auxiliary shall be a member *ex officio* of the Union executive.

12

That the young men's and young women's Bible class unions and the Manurewa Home may each appoint two delegates to the annual meeting of the Union; such delegates to be chosen by their executive at annual meetings.

13

That at the annual meeting an executive committee of sixteen (16) persons, exclusive of the officers of the Union, shall be elected to conduct the business of the Union through the year, it being provided that not less than eight (8) of the whole committee be ministerial members, and not less than eight (8) non-ministerial:

Provided also that to the total committee of twenty-five not less than four shall belong to each of the four auxiliaries. The consent of nominees must be obtained before nomination. The committee shall divide itself into two committees—one for the Union and one for the missionary—the division to be made by the committee itself; and, further, that from the total number five shall be chosen to act also as a students' committee, the convener of which shall be appointed by that committee.

14

That the officers of the Union shall consist of president, vice-president, secretary, and treasurer, to be elected at the annual meeting, and that they be *ex officio* members of the executive committee. The president for the year immediately preceding shall also be an *ex officio* member. The committee is empowered to fill up vacancies in the list of its officers should the occasion arise.

15

The Churches shall nominate a president for the ensuing year. The names of all nominees shall be sent to the Union secretary, on a form duly provided, not later than fourteen days before the date of conference. Such names shall be printed on a ballot-paper and submitted to the delegates at the annual conference. If no nominee secures a majority of the total votes cast, a second ballot will be taken between the three whose names stand first. If necessary, a further ballot shall be taken between

the first two of the three. The vice-president shall be elected by ballot on nomination.

16

That the retiring president shall not be eligible for re-election until the third year following his year in office.

17

That the preacher of the Union sermon shall be elected by ballot upon nomination, and that the preacher for one year shall be ineligible for the two following years.

18

That committees appointed by the assembly shall report directly to the assembly:

Provided that—

- (a.) Such committees as have authority from the assembly to incur expenditure shall submit an estimate of expenditure for the year next ensuing to the executive committee for its approval or otherwise:
- (b.) In every case where the report of any such committee recommends new departures in work, such recommendations shall first be submitted to the executive committee.

19

That the auxiliaries of the Union shall act as district committees, and shall superintend all local work for the Union.

20

That the auxiliaries be left free to raise such moneys as they may deem to be necessary, provided that in every case before instituting a new work, or taking any steps in the direction thereof, the approval of the executive must be obtained in conformity with the home-mission policy periodically adopted.

21

That each auxiliary shall furnish to the Union, with its statement of the grants required by the Churches in its district, a budget of the supplementary amounts which in its opinion will require to be granted and which it proposes to raise.

That these amounts shall be earmarked for expenditure in each auxiliary, and the total included in the Union budget under the head of auxiliary supplementary or contingent grants.

That a Contingent Fund be established and a vote for the same included each year in the budget, and that the auxiliary committees be authorized to use such portions of this fund as have been allotted to each auxiliary for contingent amounts approved by its executive.

22

That each auxiliary shall furnish annually an estimate of its financial requirements in order that provision be made for the same in the budget.

23

That each auxiliary shall furnish annually a statement of receipts and expenditure.

24

That the General Fund of the Union shall be devoted to the necessary expenses of the working of the same, to grants in aid of Churches and Sunday schools needing support, and in aid of schemes (approved by the executive committee) for building new Churches and Sunday schools in connection with forward movements, and to the encouragement of the formation of new Churches and Sunday schools. Grants may also be made by the assembly in aid of the Manse Fund.

25

That Churches receiving grants from the funds of the Union shall be required to confer with the executive committee of the auxiliary in the event of change either in the pastorate or constitution of the Church. All applications for grants must receive the endorsement of the district auxiliaries, and must be accompanied by a balancesheet.

26

Reports setting forth the receipts, expenditure, financial position, and proceedings of the Union during the year shall be presented at the annual meetings, and be printed and circulated through the Churches.

27

That the constituencies and lists of members may be revised by the executive committee, and its decision shall be duly notified to the persons concerned, who shall have the right of appeal to the assembly.

28

That no alteration be made in the rules and constitution of the Union, save by the general assembly, and upon notice of motion, to be sent to the secretary at least three months before the time of meeting.

Schedule 3

ANNUITY FUND SECURITIES.

Date of Instrument creating Security.	Registered Number, and District.	Nature of Instrument.	Description of Property comprised in Security.	
9th May, 1910	75306, Wellington	Memorandum of mortgage	23-5 perches, Provincial District of Wellington, Lot 47, Block III, deposited plan 1197, part Section 28, Karori District, Township of Kelburne; certificate of title, Volume 163, folio 288	Ha Go Da
21st December, 1920	130450, Wellington	Memorandum of mortgage	24.7 perches, Provincial District of Wellington, Lot 14, deposited plan 1771, part Section 2, Orangi-Kaupapa Block; certificate of title, Volume 166, folio 243	Ar Kir Pur

ANNUITY FUND SECURITIES.

24th August, 1920	126610, Wellington	Memorandum of mortgage	16.15 perches, Provincial District of Wellington, part Section 8, Evans Bay District, Lot 3, deposited plan 4438; certificate of title, Volume 271, folio 93	Art Kin Da
4th September, 1919	117981, Wellington	Memorandum of mortgage	11.6 perches, Provincial District of Wellington, part Lot 92, deposited plan 1109, part Section 4, Evans Bay District;v certificate of title, Volume 154, folio 132	Art Kin Da
2nd July, 1912	87375, Wellington	Memorandum of mortgage	11.5 perches, Wellington Land District, part Section 749, City of Wellington (with right-of-way); certificate of title, Volume 53, folio 109	Ha He Art Da anc
27th May, 1907	58648, Wellington	Memorandum of mortgage	31.4 perches, Provincial District of Wellington, Lot 301, deposited plan 1299, part Section 29, Karori District, Township of Northlands; certificate of title, Volume 163, folio 91	Ha Go Ha Ro Art
21st August, 1914	45127, Otago	Memorandum of mortgage	1 rood 16.76 perches, Township of Cannington, part Allotment 15, deposited plan 394; certificate of title, Volume 168,	Art Go Pur Kin

ANNUITY FUND SECURITIES.

14th May, 1921	57745, Otago	Memorandum of mortgage	Memorandum of mortgage, registered number 34508, affecting 500 acres 34 perches, District of Tuapeka East, part Block V; certificate of title, Volume 168, folio 203	Art Go Pur Kin
18th January, 1897	18664, Otago	Memorandum of mortgage	19.8 perches, part Section 7, Block XVII, Town of Dunedin; certificate of title, Volume 21, folio 141	Wi Ge
4th June, 1913	105363, Otago	Deed of mortgage	8 perches, part Section 50, Block XXI, Dunedin	Art Go Pur Kin
18th November, 1921	136747, Wellington	Memorandum of mortgage	1 rood 34.5 perches, part Section 120, Hutt District, Lots 24 and 25, deposited plan 1759; certificate of title, Volume 202, folio 173	Art Go Pur Kin

Schedule 4

SUSTENTATION FUND SECURITIES.

Date of Instrument creating Security.	Registered Number, and District.	Nature of Instrument.	Description of Property comprised in Security.	Name
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SUSTENTATION FUND SECURITIES.

19th July, 1921	134934, Wellington	Memorandum of mortgage	11.1 perches, City of Wellington, part Section 3, Evans Bay District, Lot 4, deposited plan 4090; certificate of title, Volume 256, folio 244	Seering Samuel Gilbert Borrer I
12th September, 1921	135522, Wellington	Memorandum of mortgage	12.1 perches, Lot 1, deposited plan 1806, part Section 11, Ohiro District; certificate of title, Volume 177, folio 42	Seering Samuel Gilbert Borrer I
11th October, 1921	136148, Wellington	Memorandum of mortgage	20 perches, Lot 87, deposited plan 392, part Section 12, Ohiro District, Township of Brooklyn; certificate of title, Volume 139, folio 151	Seering Samuel Gilbert Borrer I
4th October, 1922	141809, Wellington	Memorandum of mortgage	14.68 perches, Lot 58, deposited plan 393, part Section 7, Hutt District; certificate of title, Volume 294, folio 195	Seering Samuel Gilbert Borrer I
4th October, 1922	141978, Wellington	Memorandum of mortgage	15.87 perches, Lot 1, deposited plan 5933, part Section 2 and part Lot 42, Block X, Evans Bay District; certificate of title,	Seering Samuel Gilbert Borrer I

SUSTENTATION FUND SECURITIES.

			Volume 259, folio 154	
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Schedule 5

(1.) MANUREWA HOME LAND.

Title Reference.	Description.	In whom vested.
Certificate of title, Volume 182, folio 274, Auckland	7 acres, Lot 24, deposited plan 4436, part of block situated in Otahuhu District called Clendon's Grant	Finlay Milford Hay, Walter Lambourne, George Charles Garlick, James Arthur Penman, Herbert Dearsly, and Thomas Edward Toneycliffe.
Certificate of title, Volume 320, folio 302, Auckland	5 acres, all land in deposited plan 11872, portion of block situated in Parish of Papakura called Clendon's Grant	Finlay Milford Hay, Walter Lambourne, George Charles Garlick, James Arthur Penman, Herbert Dearsly, and Thomas Edward Toneycliffe.

(2.) MANUREWA HOME SECURITIES.

Date of Instrument creating Security.	Registered Number, and District.	Nature of Instrument.	Description of Property comprised in Security.	

(2.) MANUREWA HOME SECURITIES.

3rd April, 1922	120620, Auckland	Memorandum of mortgage	33.06 perches, Lot 51, deposited plan 7484, portion of Allotments 14 and 15 of Section 11, Auckland Suburbs; certificate of title, Volume 234, folio 267	Fin Lar De Ga Per Ed
5th October, 1921	117077, Auckland	Memorandum of mortgage	3 roods 11.6 perches, Lot 11A and part Lot 11, Block IX, deposited plan 410, part Allotment 26, Parish of Waitemata; certificate of title, Volume 131, folio 237: and 2 roods 13.6 perches, part Lot 11 of Block IX, deposited plan 410, part Allotment 26, Parish of Waitemata; certificate of title, Volume 131, folio 236	Fin Lar De Ga Per Ed
15th April, 1921	296672, Auckland	Deed of mortgage	1 rood 7 perches, part Lots 4 and 5, Subdivision of Allotment 1 of Section 16, Auckland Suburbs, Parish of Waitemata and County of Eden	Fin Lar De Ga Per Ed

Schedule 6
Trusts upon which church properties to
be held.

1

To permit the Church to erect on the land a Church building,
vestry, Sunday school, manse, offices, hall, and other build-

ings, with all necessary appendages, in such form and at such periods or period as they may think proper and direct.

2

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 Baptists, 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 minister, caretaker, or other such persons, as the said Church shall from time to time direct, and for the purpose of acquiring revenue for any of the purposes of the said Church. 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

To permit the persons appointed for that purpose by the said Church to receive all moneys and subscriptions given or paid or 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 of the said lands, 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

To permit such persons only to officiate in the said premises as stated ministers as shall be of the denomination aforesaid, and shall hold the articles of faith set forth in Schedule 1 to this Act, and shall (except as to the present minister) have been chosen by the said Church. And not to permit to officiate in the said premises as a stated minister 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 articles of faith, or who shall have been removed from his office by the said Church.

5

To permit such occasional ministers or other persons to officiate in the said premises as the stated minister shall appoint, or, if there be no minister, as the deacons or deacon thereof shall (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 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, but so that the Union shall not be required to make itself personally liable for the payment of any principal sum raised on any such security unless the Council of the Union shall elect so to do.

Clause 6 was amended, as from 10 December 1970, by section 9(a) Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)), by substituting the word "Council" for the words "executive committee".

7

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

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, and, after making provision for the payment of all mortgages or other 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 as shall be directed by the said Church.

9

To demise and let 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, provided that the rent and other money arising therefrom shall be applicable in the manner prescribed by clause 3 of this Schedule with respect to the money therein mentioned, and that the reversion of the trust estate shall be subject to all the 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 Union for any mortgage, sale, exchange, or other moneys payable in respect of the said trust premises, or a receipt for rent signed by any person duly authorized under the seal of the Union to give such receipt, shall exonerate the persons taking the same from all liability to see to the application of the moneys so paid, 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.

Clause 10 was amended, as from 20 December 1970, by section 9(b) Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)), by repealing the words “and signed by two members of the executive committee thereof”.

11

Provided also that (in addition to and without prejudice to the power 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 this Schedule 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 said Church or any member thereof, after the expiration of six calendar months’ written notice from its secretary duly authorized 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 hereinafter mentioned, given to the then minister for the time being of the said Church, if there shall be such minister, 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 Union 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 Union 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 articles of faith inconsistent with those set forth in Schedule 1 to this Act) as are provided in clause 3 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 or affixed as aforesaid.

12

Provided also that every assembly or Church meeting to be hereafter convened for directing or fulfilling any of the purposes mentioned in clauses 6 to 11 and clauses 18 and 19 of this Schedule 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 minister 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 minister, 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 Union.

Clause 12 was amended, as from 20 December 1970, by section 9(c) Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)), by substituting the words “clauses 6 to 11 and clauses 18 and 19 of this Schedule” for the words “clauses 6 to 11 of this Schedule (inclusive)”.

13

Provided also that only the members personally present at any such meeting 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 matters referred to in the preceding clause.

14

Provided also that the chairman of every such meeting as aforesaid shall be the minister of the Church, or in case of his refusal, absence, or incapacity, or of there being no minister, then the senior deacon, or in his refusal, absence, or incapacity, 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 deliberate vote, and in case of an equality of votes on any question shall have a casting-vote.

15

Provided also that 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

Provided also 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 the said church shall be dissolved or dispersed or the members thereof be reduced to no more than 10

in number or if the stated public worship of God in the said premises shall be discontinued for 6 months continuously then, and in any such case, the Union shall stand possessed of the said premises and the proceeds to arise from the sale of all or any part of the same in trust for such religious purpose or purposes (not ending to the promulgation of articles of faith inconsistent with those set forth in Schedule 1 to this Act) as the Union shall think proper and shall deal with, sell, or dispose of the same in such manner as the Union shall think proper.

Clauses 17 and 18 were substituted, and clause 19 was inserted, as from 20 December 1970, by section 8 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

18

In case the church shall desire to dissolve and shall with the prior consent of the Union express a consent and direction in relation to the said premises, then from and after the dissolution of the church, the Union shall hold the said premises upon trust for such religious purposes (not tending to the promulgation of the articles of faith inconsistent with those set forth in Schedule 1 to this Act) as the church shall have so directed, with full power in its absolute direction to sell, let, or otherwise dispose of the said premises or any part thereof.

Clauses 17 and 18 were substituted, and clause 19 was inserted, as from 20 December 1970, by section 8 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

19

In case the church shall desire to amalgamate with another church and shall with the prior consent of the Union express a consent and direction in relation to the said premises, then from and after the said amalgamation of the said churches, the Union shall hold the said premises for the united church upon the trusts herein contained and upon such further trusts (if any) as may have been declared by such consent and direction.

Clauses 17 and 18 were substituted, and clause 19 was inserted, as from 20 December 1970, by section 8 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).