CHAPTER lvii.

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity consisting of the Particular Baptist Chapel and Trust Property in the Parish of Bradninch in the County of Devon. A.D. 1916.

[18th December 1916.]

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year nineteen hundred and fourteen reported that they had approved and certified a scheme for the application or management of the charity consisting of the Particular Baptist Chapel and trust property in the parish of Bradninch in the county of Devon comprised in the following instruments or some or one of them :—

Indenture dated twenty-fourth April eighteen hundred and nineteen ;

Indenture dated twenty-fourth February eighteen hundred and fifty-eight ;

Indenture dated twenty-seventh December eighteen hundred and seventy-three ;

Will of Henry Sparkes Bowden proved at Exeter on the sixteenth August eighteen hundred and seventy-four ;

Will of Sarah Bidgood proved at Exeter on the twenty-first December nineteen hundred and nine ;

to which charity the Charitable Trusts Acts 1853 to 1894 were extended by an Order of the Charity Commissioners of the sixth March nineteen hundred and fourteen :

And whereas it is expedient that the scheme as the same is fully set out and defined in the schedule to this Act should be confirmed :

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Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Confirmation of scheme.

1. The said scheme is hereby confirmed Provided always that nothing in this Act or in the said scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice and the Charity Commissioners.

Short title.

2. This Act may be cited as the Bradninch Chapel Charity Scheme Confirmation Act 1916.

SCHEDULE.

Scheme for the application or management of the Charity consisting of the Particular Baptist Chapel and Trust Property in the Parish of Bradninch in the County of Devon comprised in the following Instruments or some or one of them:—

Indenture dated 24th April 1819;

Indenture dated 24th February 1858;

Indenture dated 27th December 1873;

Will of Henry Sparkes Bowden proved at Exeter on the 16th August 1874;

Will of Sarah Bidgood proved at Exeter on the 21st December 1909.

1. The above-mentioned Charity and the endowments thereof specified in the schedule hereto shall be administered and managed by the body called the Devon Baptist Association Corporation Limited subject to and in conformity with the provisions of this scheme.

2. The land and hereditaments belonging to the Charity are hereby vested in the said body for all the estate and interest therein belonging to or held in trust for the Charity.

3. The yearly income arising from the sum of 50*l.* specified in the said schedule shall be applied for the benefit of the pastor for the time being of the church hereinafter mentioned.

4. The yearly income arising from the sum of 65*l.* stock specified in the said schedule shall be applied towards the maintenance of the buildings hereinafter mentioned or for such other purposes in connexion with the Charity as the trustees shall think fit.

5. The trustees shall permit the buildings belonging to the Charity to be used occupied and enjoyed—

(*a*) as a place of public worship for the service of Almighty God by a church of Protestant Dissenters consisting only of persons who hold the deity of the Lord Jesus Christ and the sole authority of the Holy Scriptures and that interpretation of them usually called Evangelical in contradistinction to Unitarian and Roman Catholic and constituted as hereinafter mentioned and have made a confession of faith in the Lord Jesus Christ;

(*b*) as a manse for the pastor for the time being of the church;

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(c) for the instruction of children and adults and for the promotion of such other charitable purposes whether religious or philanthropic as the church shall from time to time direct.

6. No person shall be eligible to become a deacon or elder of the church unless he is a member of the church.

7. The trustees shall permit to officiate in the buildings belonging to the Charity such stated pastor or pastors as the church shall in special church meeting from time to time elect holding the deity of the Lord Jesus Christ and the sole authority of the Holy Scriptures and that interpretation of them usually called Evangelical in contra-distinction to Unitarian and Roman Catholic and having been baptised on a confession of faith in the Lord Jesus Christ and maintaining and practising the doctrine and rite of the baptism of believers and no other baptism.

8. The trustees shall remove and in all lawful ways eject from the buildings belonging to the Charity any pastor or pastors whom the church in special church meeting shall lawfully dismiss or whose pastorate shall have been lawfully determined.

9. The trustees shall permit to officiate in the buildings belonging to the Charity such occasional preachers as the stated pastor or the deacons or elders for the time being of the church may appoint.

10. The trustees shall permit the church or any person authorised by the church for that purpose to alter improve enlarge add to or pull down and rebuild the buildings for the time being belonging to the Charity in such manner as the church shall determine in special church meeting and the trustees shall approve.

11. Except as regards any property of the Charity which for the time being is registered as a place of meeting for religious worship with the Registrar-General of Births Deaths and Marriages in England and is bonâ fide used as a place of meeting for religious worship and except as regards such other property (if any) of the Charity as for the time being by virtue of any provision of the Charitable Trusts (Places of Religious Worship) Amendment Act 1894 is exempt from the operation of the Charitable Trusts Acts 1853 to 1894 the trustees shall not make or grant otherwise than with the approval of the Charity Commissioners any sale exchange mortgage or charge of the property of the Charity or any lease thereof in reversion after more than three years of any existing term or for any term of life or in consideration wholly or in part of any fine or for any term of years exceeding twenty-one years.

12. Subject to the restrictions contained in the last preceding clause hereof it shall be lawful for the trustees to sell demise or let

the property belonging to the Charity or any part thereof in such manner or to exchange the same or any part thereof for such other hereditaments of freehold copyhold or leasehold tenure and to pay or accept such money (if any) by way of equality of exchange as the church shall in special church meeting determine and the trustees shall approve and from time to time to raise by mortgage of the property belonging to the Charity or any part thereof such sum or sums of money and at such rate or rates of interest as the church shall in special church meeting determine and the trustees shall consider it expedient to raise for any of the purposes hereinafter mentioned.

13. The trustees shall apply the moneys arising from any such sale exchange letting or mortgage as aforesaid in or towards payment of the expenses of any such works of alteration improvement enlargement addition pulling down and rebuilding as are hereinbefore mentioned or the purchase or acquisition for the purposes of the church of any other hereditaments of freehold copyhold or leasehold tenure or other property or for paying off (wholly or partially) or procuring the transfer of any mortgage or mortgages for the time being affecting the property belonging to the Charity or for meeting or defraying any other necessary or proper expenses connected with or for the benefit of the church as the church shall in special church meeting determine and the trustees shall approve.

14. The trustees shall hold all hereditaments taken in exchange purchased or otherwise acquired by the trustees under the foregoing provisions and all buildings erected thereon upon the same or the like trusts and with and subject to the same or the like powers and provisions as are herein contained concerning the property belonging to the Charity.

15. In creating any mortgage under any of the powers of mortgaging herein contained the trustees may insert in such mortgage such power of sale and other powers and such covenants and provisions as they may think expedient including (if it is thought desirable) a provision for the continuance of the loan for any term therein specified.

16. The trustees shall permit the church generally and in every respect not herein provided for to manage all its affairs according to its uncontrolled discretion.

17. All such matters as are hereby directed to be decided by the church in special church meeting shall be so decided at a special church meeting convened by the pastor or by the deacons and elders or the officers for the time being of the church or by the trustees or by one-fifth in number of the members of the church entitled to vote

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at such meeting whereof a public notice stating the whole of the business intended to be transacted thereat and the time and place of such meeting shall have been given orally in the course of Divine Service both in the morning and in the evening on the two Lord's Days immediately preceding the day fixed for such meeting and at any special church meeting those persons alone shall be entitled to vote who shall have attained the age of eighteen years and shall have communed with the church at the Lord's table once at least during the period of six calendar months next preceding such meeting.

18. Every question submitted to a church meeting (whether ordinary or special) shall be decided by the votes of a majority of the members present and entitled to vote and actually voting on such question at such meeting and in the event of an equality of votes the chairman of such meeting shall have a casting vote in addition to his vote as a member but the foregoing provisions of this clause shall not apply to any matter which under any express provision herein contained is to be determined by a special church meeting and a resolution relating to any such matter shall only be carried if it is supported by the votes of a majority of not less than two-thirds of the members present and entitled to vote and actually voting on such resolution at such meeting.

19. At any church meeting (whether ordinary or special) the pastor (if any) for the time being of the church shall (if he shall be present and willing to act as chairman of such meeting) be entitled to take the chair and in case there shall be no such pastor or he shall be absent or unwilling to act as chairman the members present shall elect a chairman before proceeding with the business of such meeting The proceedings and resolutions of any church meeting shall be proved by a minute thereof signed by the chairman and such minute shall be conclusive evidence that any resolution therein stated to have been passed was passed by the requisite majority at a meeting duly convened and held and also of the due appointment of the person signing the minute as chairman.

20. Upon any professed exercise by the trustees of any power herein contained no person dealing with the trustees shall be bound or concerned to inquire whether the case in which the power is exerciseable has happened or whether the exercise thereof has been determined upon or authorised by a meeting of the church or otherwise (except as regards the said restrictions contained in the eleventh clause hereof) as to the propriety or regularity of such exercise or in the case of the foregoing powers of raising money by mortgage whether and for what purpose the money raised is required and notwithstanding any impropriety or irregularity whatsoever in the exercise of any such power the same shall in favour of such person (except as regards the

said restrictions) be deemed to be within the provisions under which it purports to be made and be valid accordingly.

21. If at any time the membership of the church shall fall below twelve registered members who have communed with the church at the Lord's table within the period of six calendar months next preceding such time or in case the regular public worship of God in the buildings belonging to the Charity shall be wholly discontinued for the space of twelve calendar months then the trustees shall stand possessed of the property belonging to the Charity upon trust for the Baptist Union of Great Britain and Ireland and to be held or disposed of as the council of that Union shall direct.

22. All the trusts powers discretions and authorities hereby given to or vested in the trustees shall be exerciseable by their executive committee.

23. If any dispute or difference shall at any time arise between the trustees the members of the church and the pastor or other officers thereof or between any of such persons concerning the meaning construction or effect of any of the provisions hereinbefore contained or concerning any matter relating to the property or affairs of the Charity or the church or concerning the doctrines teaching and mode of conducting public worship in the buildings belonging to the Charity such dispute or difference shall be submitted for settlement to the council of the Baptist Union of Great Britain and Ireland whose decision shall be binding and conclusive on the parties to such dispute or difference and all other persons concerned or interested therein but this provision shall not enable the said council to override any determination of a duly convened meeting of the church in regard to the subject matter of such dispute or difference when it shall appear to the said council that such determination was within the powers of such meeting and was arrived at regularly and properly by the necessary majority.

24. The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any of the provisions of this scheme as if those provisions had been made by the founder in the case of a charity having a founder.

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SCHEDULE TO THE SCHEME.

1. The Baptist chapel schoolroom manse and burial grounds with the appurtenances in the parish of Bradninch.

2. (*Endowment of Henry Sparkes Bowden.*)—A sum of 50*l.* deposited in the Devon and Exeter Savings Bank standing to an account No. G. 644 entitled "A bequest to the minister of the Baptist Chapel Bradninch."

3. (*Endowment of Sarah Bidgood.*)—A sum of 65*l.* Great Western Railway 5 per cent. guaranteed stock standing in the names of Thomas Henry Hepburn Thomas Lake and John Mondy.

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