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Baptist Trust Deeds.

DULL uniformity cannot be alleged against Baptist Trust Deeds. Their doctrinal and other clauses are of infinite variety and diversity. Some contain confessions so elaborate that they amount to a body of divinity; others are free from credal expression. Many contain provisions relating to the ministry, the deacons, the membership, all set out and provisoed with the prolixity beloved of the legal mind; others, with disarming simplicity, which, however, is more apparent than real, merely state that the property is to be held for a Baptist church. A few contain declarations of an inconvenient or impossible nature which reflect the idiosyncrasies of those originally responsible for the trust, as, for example, the deed of a South London church which provides that "no meetings shall be held on Derby Day." Why not? Possibly the minister and deacons desired not to be hindered from setting out in a four-in-hand for the great national festival on the Downs! Or, the true explanation may be the more prosaic one that, as the church is situated on one of the main roads leading out of London, and on Derby Day the road would be crowded and dangerous, the church trustees thought it well for the congregation, and particularly the children, to remain in the quietness and security of their own homes. Again, another London church must not hold "secular entertainments." But who is to say when musical notes become secular? Presumably the *Londonderry Air* as a Sunday organ voluntary is sacred, but, as a week-day violin solo, is secular. All such questions of domestic concern and individual taste are out of place in trust deeds.

Among the trust deeds which have recently come before the writer, one in particular arrested his attention. It is unique not only in its contents but also in its omissions. A few years ago the church to which it relates received considerable denominational assistance, the Association with which it is in membership making it a grant approaching one thousand pounds. In addition, the Association's president in the year of the grant collected for it a further substantial sum. Yet the trust deed of the church contains not one syllable to preserve the property for Baptist purposes. The property is held by its trustees subject only to the following simple trust:

"The said persons agree to the following covenant adopted by a Baptist Church at Milton in the year 1837 that is to say:—

We have pledged ourselves to Christ. Let this mind be in us and in this Christian Society which was also in Him in all humility meekness and love since love is the fulfilling of the law let this love be our law our guide the pervading principle of our actions in adjusting every cause or circumstance which may take place amongst us. Let there ever be love to God the great and gracious author of our salvation love to the eternal Son who gave himself to redeem us from everlasting woe love to the Holy Spirit the enlightener the sanctifier who takes of the things of Christ and communicates them to us Love to each other our Brothers and Sisters in the Lord Love wheresoever we may perceive the mind spirit or image of Christ whatever may be their distinctive badge name or section in the Church on earth Lastly Love and compassion towards all that are without Christ and without hope remembering that we were once dead in trespasses and sins That God made use of means to bring us to the knowledge of the truth and now we are through grace become his agents for the good of those around us.

Thus may we of this Church fulfil the royal law of Love Amen and Amen."

This covenant is impressive. It evinces a fine spirit, far removed from the exclusiveness of much contemporary doctrine. The date, 1837, nearly a century ago, suggests a period not specially marked for warmth in church life; yet this church at Milton had so learned Christ that it could say "Love wheresoever we may perceive the mind spirit or image of Christ whatever may be their distinctive badge, name or section in the Church on earth." In this clause the covenant is reminiscent of the sixty-ninth article of the Amsterdam Confession of two centuries earlier. No church would be harmed if, at its annual business meeting, the members solemnly repeated the whole of the covenant and resolved to live in accordance with its spirit. From a denominational standpoint, however, a trust deed based only on this covenant is seriously defective. It might be argued that no minister or church-member who accepted the highest implications of the covenant would seek to divert buildings from the denomination for which they were erected. But, legally, the trust deed would be of little, if any, service in preventing such alienation.

Pertinent questions are suggested. More than in former days, church extension now devolves upon the County Associations. They secure sites, assist building finance and foster infant causes. The Baptist Union, by the aid of its

Sustentation and Superannuation Funds, makes possible settled ministries. Such circumstances are far different from those in which Baptists of earlier generations embarked on church extension, and, in consequence, changes may be necessary in trust conditions.

It is far from the writer's intention to suggest that, fifty or one hundred years hence, the dead hand of the present shall hinder the free expression of truth as it shall then be revealed. The Evangelical witness for which Baptists stand is finally secured, not by doctrinal clauses in deeds, but by the permanent presence of the Lord Jesus Christ in the church. The questions he has in mind are of a different order. At present, under the guidance of a minister or deacons who develop strange notions or unusual ideas, it is possible for a church to withdraw from the Association whose activities resulted in its formation, to refuse all responsibility for denominational organisations at home and abroad, and, by its general attitude to all other churches, seriously to weaken its own witness and influence for a generation or more. Whether it is honourable thus to use and enjoy property for which others made sacrifices is an inconvenient question easily evaded by elastic consciences. Of course, such instances are rare and their rarity indicates that usually they arise from a mistaken conception of principle which may, after all, be no more than peculiarity of temperament. But diseases, though rare, injure the body, and it may be well to enquire whether a trust deed, in addition to establishing a Baptist church, should aim at securing perpetual membership of the Association and the Union, and, as far as possible, active support of those bodies. In other words, is it possible, without unduly infringing the independency of the local Baptist church, to secure the connexional and synodical loyalty that is characteristic of the local Methodist and Presbyterian Church? In discussing this issue, it will be helpful to examine the practice of our churches in the past and the conditions which prevail in other denominations.

Baptist trust deeds of the century or more prior to 1800 present a field of research worthy of further exploration. Within the limits of this article it is not possible to do more than indicate the richness of the soil. Deeds of chapels of the three denominations (Baptist, Congregational, Presbyterian) erected during the closing years of the seventeenth century and the early years of the eighteenth were generally free from doctrinal schedules. In words more or less to the following effect, such deeds simply provided that the premises should be

“quietly used and enjoyed for the worship of Almighty

God by Protestants dissenting from the Church of England.”

The deeds not infrequently also made provision for the future administration of the trust property in the event of the cessation of religious toleration, and an interesting sidelight on the conditions under which our forefathers gathered for worship is revealed by the declaration contained in some deeds

“that the stable may at all times of religious worship as aforesaid be used for the reception of the horses of such persons as shall resort to the premises for the purpose of worship.”

It is fairly well known that out of this doctrinal freedom arose what is known as the *open trust theory*. Unitarians, in particular, have urged that the founders refrained from the imposition of tests and creeds because they wished the congregation to be free to adopt any doctrinal position which commended itself to its judgement. But more recently the unsoundness of this argument has been admitted. It is now recognised that the deeds were framed with a view to the specific religious situation which arose out of the passing of the Toleration Act. A number of General Baptist churches of the eighteenth century, which, in the course of years, drifted to Unitarianism, were held by virtue of these open trust deeds. Trowbridge and Ditchling are examples dating from 1704 and 1740 respectively, and Nottage and Northiam from 1789 and 1796.

Some trust deeds varied the strictly open trust to the extent that a sentence identifying the Protestant Dissenters by a denominational name, such as “and known as Baptists,” was added after “dissenting from the Church of England.” The trust deed of the old General Baptist church at Horsham (now known as the Free Christian Church) is an illustration of such an early departure. Its deed, dated 21 February, 1721, recites that

“the message is now made use of ffor a meeting Place of Religious Worship ffor a Congregation of Protestants called Anabaptists dissenting from the Church of England according to the Provision and Direcon of” [The Toleration Act, 1689] and the Trustees declare that the premises were demised upon the Trusts “that the same might be a Publick and Open Meeting Place ffor Religious Worship ffor the Congregation residing in or near the Parishes of Horsham Billingshurst Slinfold Shiplly and Sullington and which now doe and hereafter shall hold and maintain the Faith of General Redemption and the Faith and Practice of

Believers Baptism and for such only subject nevertheless to such Orders Rules and Directions as by the [Trustees] . . . with the consent of the said Congregation shall from time to time be made . . . And to and for no other . . . Purposes except by the General Consent of the said Congregation."¹

Trust deeds of these early years relating to Particular Baptist churches likewise were free from long doctrinal clauses. The deed of St. Mary's, Norwich, dated 24 November, 1746, declares that the premises

"were purchased for, and intended as, a place of Public Worship for the Congregation of Particular Baptists, within the said city of Norwich, for the time being, and that they (the trustees) and their heirs were, and at all times thereafter should stand, seised of the said messuage and premises in Trust to, and for the use and benefit of, the Congregation of Particular Baptists within the said City of Norwich, for the time being; and that the same premises should be always held and enjoyed for and as their place of Public Worship."

and the deed of Carter Lane drawn up in 1773 declares that it was held for

"the Congregation or Society of Protestants dissenting from the Church of England who scruple the Baptising of Infants commonly called Baptists who stately assemble on the Lords Day for the exercise of Divine Worship at their meetinghouse in Carter Lane according to the true intent and meaning of the Toleration Act."

In the latter half of the eighteenth century and the early years of the nineteenth, trust deeds gave much anxiety to leading Baptists. Open trust deeds did not safeguard properties doctrinally, and churches held under such deeds were unduly susceptible to Arianism. Moreover, there was much general laxity in trust matters. Possibly through ignorance, but equally likely through neglect, deeds were not enrolled in due time or were not executed in the presence of two witnesses. Some vested the appointment of their successors in the existing trustees, and, when vacancies occurred, they were not filled, with the result that properties drifted to the private estate of the surviving trustee. Not infrequently also, deeds gave undue power to the trustees, as, for example, when the appointment of the minister was vested in the trustees instead of in the church, a provision easily productive of conflict. The Baptist Board and the London Baptist Case Committee devoted much time to the

¹ Unitarian *Transactions*, Vol. I.

rectification of defective deeds; and the Dissenting Deputies drew up a model form for the use of Dissenters. This model form witnessed that

“for promoting the Christian Religion, as professed by Protestant Dissenters of the denomination of at and for enabling the professors of the same religion, of the denomination aforesaid, more conveniently to exercise the forms of their religious worship, and other ordinances of their persuasion at aforesaid.”

the premises were held upon trust that

“the Trustee or Trustees, for the time being, shall, from time to time, and at all times hereafter, permit the said Meeting House and premises to be used, occupied, and enjoyed, as a place of public religious worship for the service of God, by the society of Protestant Dissenters, of the denomination called and, also by such other persons as shall hereafter be united to the said society, and attend the worship of God in the said meeting-house.”

Particular Baptists, when drawing up new deeds, while following the form prepared by the Dissenting Deputies, usually added doctrinal clauses which varied according to the particular brand of Calvinism followed by the Church. A form of words much in use declared (the example is taken from a deed of 1829) that the premises were

“to be used occupied and enjoyed as a Place of public Religious Worship for the Service of God by a Society of Protestant Dissenters called Particular Baptists baptizing Adults by immersion and such only as are of years of understanding upon their own confession of repentance towards God and Faith in our Lord Jesus Christ and also by such other persons who shall be hereafter united to the Church or Society to attend the Worship of God there who shall believe or profess to believe the religious doctrines commonly called Calvinistic (that is to say) three equal persons in the Godhead Eternal and personal Election original Sin particular redemption free justification by the imputed righteousness of Christ efficacious Grace in regeneration the law a perfect rule for the conduct of all Believers the personal perseverance of the Saints the resurrection of the Dead the future Judgment the eternal happiness of the Righteous and the endless misery of the Impenitent and to permit such person or persons as shall be nominated by the Members of the said Church or Society and Communicants therein and believing or professing to believe the Doctrines hereinbefore mentioned at any Meeting for that purpose

duly assembled to receive all such voluntary subscriptions and other sums of money as shall be paid or subscribed by any person or persons whomsoever towards the support of the public Worship of God in the said Meetinghouse and for defraying the expences attending the same or as shall be contributed for the support of the Minister or Pastor for the time being officiating therein AND shall permit to officiate in the said Meetinghouse such person or persons believing and preaching the doctrines aforesaid as the major part of the Members of the said Church or Society of Communicants therein at a meeting duly assembled for that purpose shall from time to time elect to officiate as their Minister or Pastor in the said Chapel or Meetinghouse according to the usage of protestant Dissenters."

It will be observed that in one place the phrase "the said Church or Society *and* Communicants" is used, while later it is "the said Church or Society *of* Communicants." Probably the second is correct, but verbal inspiration is not claimed.

In the deed dated 1791 of a church which has been somewhat more "hyper," the trustees declared that they

"and the survivors of them if not reduced to less than three in number shall and will from time to time and at all times hereafter so long as the Laws and Statutes of this Realm will admit, permit and suffer the said . . . Meeting house or place of Worship . . . to be used occupied and enjoyed by the Congregation or Religious Assembly of Particular Baptists and Professing the Articles of Faith or the principles of Religion hereon indorsed for the Worship and Service of God, and by others as shall attend the Worship of God in that place. And also that when anyone or more of the Trustees shall by Death or otherwise be removed That the surviving Trustees with all convenient speed shall and will with the Consent and good liking of the Members of the said Church and the Pastor or Minister . . . elect chuse and appoint another Trustee or Trustees . . . provided that such new Trustee or Trustees . . . do assent unto and hold with the Articles of Faith . . . And also it is hereby further concluded agreed and declared . . . and it is the true intent and meaning . . . That if any or either of them the said Trustees or any future Trustees . . . shall at any time or times hereafter dissent from and deny any of the said Articles . . . and of such his or their dissention or denial be properly and justly convicted to the satisfaction of the Members of the said Church or the

Major part of them and the Pastor or Minister for the time being he or they shall forfeit the Trust . . . and be from thenceforward utterly excluded from being a Trustee . . . And that if the majority of the Members of the said Church shall depart from and deny any of the aforesaid Articles . . . and choose a Pastor or Minister that does not believe profess and preach the same Doctrine therein contained those Members (although they shall happen to be the Majority of the said Trustees and Members of the said Church) it is hereby intended declared and agreed shall have no power or authority whatsoever of choosing and appointing such pastor or Minister . . . to teach or preach in the said . . . Meeting House, but that then and in such case the said . . . Meeting House . . . shall be deemed adjudged and taken to be the immediate property of those Trustees and Members . . . who shall embrace and hold the said Articles of faith and shall be vested in them and their successors accordingly although they should be reduced to the number of Three persons only And that those Trustees and . . . Members . . . as shall continue in the profession of the Articles aforesaid shall have the sole and only right and property of electing appointing and settling . . . such Pastor or Minister as they shall think sound in the Faith and holy in his walk and conversation . . . ”

The Articles of Faith indorsed on the deed are as follows :

- I. THE sacred Doctrine of the Trinity, or that there are three Divine distinct equal persons subsisting in the Glorious Godhead, yet but one living and true GOD.
- II. GOD'S everlasting Free and unchangeable Love to his Elect.
- III. HIS chusing his people in Christ before the foundation of the World, not for the Sake of any good Qualities or good Works foreseen in them or done by them but of his own rich free and Sovereign Grace.
- IV. THAT as the first Man Adam being by the appointment of God the federal Head and Representative of all Mankind, all his Posterity Sinned in him and fell with him, his first Transgression being imputed to all his natural seed, and a corrupt and sinful Nature conveyed to all his Descendants by Ordinary Generation.
- V. THE necessity of Regeneration and Sanctification by the Holy Ghost in order to true happiness here and hereafter.
- VI. THAT Justification before God is not of Works but of Grace only through the Imputation of the Righteousness

of JESUS CHRIST which Righteousness is revealed in the Gospel and received by Faith of all that are truly taught of God.

- VII. THAT every true Believer shall persevere in Grace and Holiness to the End of Life and finally inherit eternal Glory.

It is interesting to observe that this church visualised the possibility that a trustee or trustees, or a majority of the members of the church, might fall from grace and depart from the doctrines enunciated in their Articles of Faith. Yet those doctrines included election, effectual calling and final perseverance! However, it was hoped that three righteous persons might remain, in whom "the meeting-house should be deemed adjudged and taken to be their immediate property."

Such are examples of the credal trust deeds by which our Calvinist forefathers of a century ago sought to preserve their churches from the virus of all that they considered unsound or doubtful. Not many of their descendants would sit an examination into the meaning of the clauses with any degree of comfort or confidence.

(To be continued.)

SEYMOUR J. PRICE.

NEWCASTLE-ON-TYNE. The Reference Library has recently inherited several antiquarian documents, including a Register of Births kept by Unitarian Baptists who met at Pandon, 1779-1816. This society originated after John Allen left Tuthill Stairs in 1771 for America. There were several splits and quarrels then, till Richard Fishwick and Joshua Pendered steadied the original church in 1780. Caleb Alder, baptized by David Fernie in 1765, with Henry Leeshman, led a party which at first repudiated all "clergy," then adopted Socinian views, and withdrew. Alder and his son-in-law William Robson took a room on the North Shore. They then built a chapel on Pandon Bank, and obtained as minister Edward Prowitt, a former Bristol student, who afterwards went to Fleet, in Lincolnshire.