

The 1863 Free Church of England Deed.

This is an accurate and reliable transcription of The Public Record Office copy in Chancery Script in which "F" is "ff", "ss" looks like "fs", "c" looks like "r" and "e" like "c" and "imnuvw" join as indistinguishable wavy lines.

Thoresby a Declaration of Trust.

A Deed Poll and Deed of Declaration made the thirty first day of August one thousand eight hundred and sixty three.

By and between the several persons whose names and seals are hereunto subscribed and affixed.

{1} *Whereas the Right Honourable Selina late Countess Dowager of Huntingdon having in her lifetime been desirous to assist in the Propagation of the Gospel purchased several Freehold and Leasehold Estates consisting of both buildings and lands some of which buildings she converted into Chapels, erected Chapels upon some of the said Lands and appointed certain persons who assented to and subscribed fifteen certain articles of Faith to be Ministers of God's Holy Word and Ordinances in the said Chapels.*

{2} *And whereas the said Countess departed this life on the seventeenth of June one thousand seven hundred and ninety one having by her will dated the eleventh day of January one thousand seven hundred and ninety given and devised all her real and personal estate (subject to certain bequests therein mentioned) to the Reverend Thomas Haweis and Janetta Payne his wife, Lady Ann Agnes Erskine and John Lloyd and the survivors or survivor should in manner as in the said will is mentioned appoint another person in the room of such deceased person to the intent that there might be always four persons one Minister and three not Ministers to hold and enjoy the same till the same should be sold and disposed of and writing that she knew Devices to Charitable Trusts to be contrary to Law she declared that the foregoing devise and bequest was made freed and discharged from such use and that it should be lawful for her said Devicees and their successors to sell and dispose of the same or any part thereof at their discretion she relying on the Grace of God to dispose their hearts in all things which might tend most to His Honor and Glory and the real good of mankind by the spreading and promoting His glorious and precious Gospel as well abroad as at home which said will (together with a Codicil not asserting the said bequests and devises) was proved in the Prerogative Court of Canterbury in the year one thousand seven hundred and ninety one.*

{3} *And Whereas by Indentures of Lease and Release and assignment, the Lease dated the eleventh and the Release and assignment dated the twelfth days of June one thousand eight hundred and seven and expressed to be made between the said Thomas Haweis and Robert Butcher of the first part, William Astle of the second part and James Oldham Oldham and William Langston of the third part and by certain surrenders and assignments thereupon had the said {hereditaments} and premises comprized in the said will together with other {hereditaments} given or purchased since the death of the said Countess and*

mentioned in the said Indenture of Release and Assignment were conveyed and assured so that the same became vested in the said Thomas Haweis, Robert Butcher James Oldham Oldham and William Langston their heirs {executors} and {administrators}. Upon trust that they and their successors should permit and suffer the same to be used and enjoyed by the Connexion of the said Countess under and subject to the management and direction of the said Thomas Haweis, Robert Butcher, James Oldham Oldham and William Langston and the survivors of them and their successors in like manner as the same had been and were then enjoyed.

{4} *And whereas* by divers mesne Conveyances and assurances in the Law the said {hereditaments} and premises became before the year one thousand eight hundred and thirty six legally vested in Henry Fitzherbert Stroud, John Findley and Joseph Trueman (together with James Arundell then deceased) their heirs {executors} {and} {administrators} Upon the trusts and in manner aforesaid.

{5} *And whereas* the said Henry Fitzherbert Stroud, Benjamin Cooke and James Haycroft are the present trustees of the Connexion.

{6} *And whereas* a Deed Poll dated the [blank] day of [blank] one thousand eight hundred and thirty six was duly made and executed for the regulation and government of the said Connexion and was duly enrolled in Chancery.

{7} *And whereas* in the lifetime of the said Countess a plan was proposed for the formation of an Association for the uniting and perpetuating of the Connexion of the said Countess but in consequence of the death of the said Countess the said plan was not carried out and since her death has been only partially acted upon.

{8} *And whereas* the several Congregations in the Connexion have for the most part borne a distinctive character and have used the Liturgy of the Church of England with such modifications as the Minister of each Congregation appeared expedient and in their general action have been subject to a General Conference of Ministers and Managers of the said Connexion held under the provisions of the said Deed Poll.

{9} *And whereas* the doctrines assented to and subscribed by the said Connexion are set forth in the said fifteen articles which are set forth in the Schedule to the said Deed Poll.

{10} *And whereas* the said several persons whose names and seals are hereunto subscribed and affixed and other persons members of Congregations in the said Connexion believe that the said Connexion is not governed in accordance with the original design of the said Countess and with sufficient regards to the plan proposed by her for the Propagation of the Gospel.

{11} *And whereas* several persons have signified their intention of purchasing divers pieces of land in various places and erecting thereon Churches Chapels and other buildings to or for the use of a Religious Community or Connexion who shall most fully

adopt and carry out the views opinions and designs of the said late Countess and it has been agreed that such Community or Connexion shall be called The Free Church of England.

{12} *And whereas* for the purpose of rendering most uniform and effectual the several deeds conveyances leases instruments and agreements as well as the donations and bequests which may hereafter be made granted or executed given or bequeathed respectively for and for the benefit of the said Free Church of England and for facilitating and assisting the declaration of the trusts thereof and in order that no doubt question or litigation may arise with respect to the existence doctrines objects members or officers the said Free Church of England and for the better and permanent definition and record of the objects and doctrines of the said Free Church of England and for the settlement of the rules regulations and discipline thereof and of the qualifications and duties of all the Ministers (herein after called the Clergy) and different members thereof It has been deemed expedient by the Promoters of the said Free Church of England that the said several persons whose names are hereto subscribed shall by this Deed Poll explain define and declare the same accordingly.

It is by this present Deed Poll witnessed that for the accomplishing of the purposes aforesaid They the several persons whose names and seals are subscribed and affixed hereto Do jointly and severally declare and agree to and with each and every other and others of them in manner following (that is to say)

First - Denomination. *The said Religious Community or Connexion herein before mentioned and intended to by these presents to be established defined and identified shall be designated "The Free church of England" and herein after called "The Church" the governing body of which shall be an assembly herein after called the "Convocation".*

Second - Doctrinal Basis. *The basis of the Religious Doctrine and Tenets to be professed and subscribed by the members of the said Free Church of England is the Bible. They accept as in accordance with the Bible the Thirty nine articles and Rubrics of the United Church of England and Ireland being free to employ whatever they may deem valuable and to refuse what appears to them objectionable in the services(?) of such Church and treating the Fifteen Articles of the said Connexion set forth in the Schedule to the said recited Deed Poll as included in the said Thirty nine articles.*

Provided that the President or Bishop of the Convocation herein after mentioned may with the consent of such Convocation direct that the said articles and said Rubrics shall where the person subscribing the same shall so require be understood and subscribed as if each of the several words and passages as are comprised in brackets or parentheses in the copy so subscribed had been actually omitted. Such Copy so to be signed as aforesaid shall be duly approved and ratified by the Convocation.

Third - Membership. *The Members of the Church shall consist of persons who having faith in our Lord Jesus Christ (to be proved by their keeping His Commandments) and doing no act contrary to the bye-laws rules and regulations of the Church shall be received*

as Members in such manner and according to such rules as the Convocation shall from time to time direct.

Fourth - Government. The government of the Church shall be founded on the following principles (that is to say)

Congregational: in the sense that each Congregation shall manage its own affairs so far as those affairs begin and end with such Congregation and are not so managed as to be contrary to the general rules and regulations for the government of the Church made from time to time by the Convocation.

Presbyterian: in the sense that the Clergy and Officers of the Church (who shall consist of the Bishops Elders Deacons Managers Churchwardens and others as herein after provided for) assembled in Congregational and Executive Committees District or Diocesan Meetings and in Annual Convocation shall deliberate upon and determine the general action common to all Congregations included in the Church.

And Episcopal in the sense that one of the Presbyters chosen by his Fellow Presbyters and the Deacons together Assembled in the Annual Convocation or Diocesan Meeting shall have the oversight for the common good of all the Congregations in a given District or Diocese and further that out of such Bishops shall be chosen by the said Convocation as President or Bishop Primus of the whole body.

Fifth. For the avoiding of confusion and differences It is hereby expressly declared and agreed that in the Free Church of England there are two orders of Ministers videlicet Bishops and Deacons. The first order shall be designated Bishops, or Presbyters or Elders the words being applied in the New Testament to the same persons. This order includes the President or Bishop Primus President of the whole Body, The Diocesan Bishops or Presidents of the Districts, Congregational Bishops or Presidents of the Congregations. These may be associated in the several Congregations with other Ministers as Doctors or Teachers and those Elders or Presbyters who do not minister the word but whose gifts qualify them to rule in the Government of the Church.

After these follow the Deacons under which name are also included Managers and Churchwardens.

Sixth. All Bishops or Presbyters and Deacons of the Church shall be at liberty to attend the Annual Convocations and vote upon all subjects whatsoever. Any resolution ordinance or injunction of the Convocation shall be binding on all the Bishops Deacons Ministers Officers Members Committees and Congregations of the Church on any subject whatsoever connected with the Church.

Seventh. There shall be an Annual Assembly or Convocation of the Church which shall be composed of the members of the Yearly Conference of the said Countess of Huntingdon's Connexion held under the provisions of the said United Deed Poll and of the several

Bishops Presbyters and Deacons officiating at the several Churches or Chapels which shall be settled and form part of the Free Church of England and of such other persons as the Convocation shall by bye-laws from time to time appoint. The persons above specified in paragraph five are constituted and shall be taken to be Members of Convocation. Nevertheless subject to the regulations hereinafter prescribed.

Eighth. *The members of the Convocation and their successors for the time being shall assemble once in every year at such place and time as the Convocation shall from time to time direct.*

Ninth. *The Convocation shall proceed to transact such business and in such order as from time to time shall be resolved upon by the Members thereof . The Bishop Primus if present or in his absence such other person as the Convocation may appoint shall act as President who shall preside over the Convocation. In case of equality of votes upon any question or proposition the President in addition to his vote as a member of the Convocation shall be entitled to a Casting Vote to ensure a majority. The said Convocation shall adjourn or continue its sitting as shall be resolved by the members thereof present at any meeting of the Convocation. The Convocation may be specially convened at any time by such persons and in such manner as the said Convocation shall by any rule or bye law direct or appoint. The now next Convocation shall be held in London in the month of June one thousand eight hundred and sixty four.*

Tenth. *Upon the Convocation being assembled they shall chose a Secretary of the Convocation amongst themselves who shall continue such until the choice in like manner of another Secretary in the next or any subsequent Convocation.*

Eleventh. *The Convocation may expel any member thereof who shall be proved to maintain Doctrines contrary to the said Thirty nine articles and Rubrics as understood and subscribed as aforesaid or as revised by the Convocation of the Free Church of England or who shall be proved to be guilty of immoral conduct or who shall refuse to conform to the usages of the Free Church of England. Every person so expelled shall thereupon cease to be a member of the Convocation and of the said Free Church of England to all intents and purposes and shall also cease to officiate in any church or Chapel belonging to the said Church.*

Twelfth. *The Convocation may from time to time make such bye laws orders regulations ordinances and injunctions for the furtherance and in execution of the objects and intents of these presents or any of them and may annul and make void any such bye laws orders and regulations as they shall from time to time deem necessary but no bye law order or regulation made or operating in contravention or opposition to these presents or anything herein contained shall be good or valid to any intent or purpose whatsoever.*

Thirteenth. *All bye laws orders regulations resolutions ordinances injunctions and acts whatsoever of the Convocation shall be entered and written in the Journals to be kept for that purpose and when entered publicly read to the Convocation and then subscribed by*

the President and Secretary thereof for the time being during the time such Convocation shall be assembled and when so entered and subscribed shall be taken and received to be and shall be the acts of the Convocation and such entry and subscription as aforesaid shall be taken and received to be and shall be evidence of all and every such acts of the said Convocation without the aid of any other proof and whatever shall not be so entered and subscribed shall not be taken or received to be or be the act of the Convocation and the said President and Secretary for the time being are respectively hereby directed required and obliged to enter and subscribe as aforesaid every act whatever of the Convocation.

Fourteenth - Ordination Admission and Appointment of Clergy. *All the Ministers or Clergy of the Free Church of England shall be ordained or if already ordained shall be received as ordained Ministers at the Annual Convocation or elsewhere as the Convocation shall direct. Students of the Countess of Huntingdon's College at Cheshunt and of other Theological Institutions approved by the Convocation may be admitted to the Ministry of the Free Church of England by ordination as aforesaid on the production of the satisfactory certificates of Character and attainments from their Tutors.*

Fifteenth. *Other candidates for ordination shall be required to serve as Probationers in the Free Church of England for the space of six months at the least under the direction of one of the Bishops who must recommend such Candidate to the District or other Committee appointed for that purpose by the said Convocation whose duty it shall then be to recommend such Candidate to the Convocation for ordination. Such Candidate when so recommended as aforesaid shall attend at the next Annual Convocation and shall be then examined touching his doctrine manner of life and usefulness and if approved by three fourths of the Members of the Convocation then present he shall be ordained and admitted as a Minister of the said Free Church of England.*

Sixteenth. *The Members of Convocation Clergy and other Office bearers of the Church shall before their appointment subscribe the following Declaration*

I do believe the Holy Scriptures of the Old and New Testament to be the Word of God and to contain all things necessary to Salvation and I do sincerely engage to conform to the Doctrines and Worship of the Free Church of England.

Seventeenth. *The Convocation shall from time to time prescribe and declare the duties of the Bishop Primus and Diocesan Bishops respectively and the period of time for which they shall remain in office and make such other rules and regulations relative thereto as the Convocation shall from time to time think fit.*

Eighteenth. *The said Convocation shall from time to time appoint all the Ministers or Clergy to the several Churches and Chapels forming the Free Church of England or shall direct the manner and conditions of such appointments respectively and subject to such restrictions and regulations as the Convocation shall from time to time direct. The Convocation may make a general rule or general rules applicable to all the Churches Chapels and schools or a particular rule or rules applicable to any particular Church Chapel or*

School as the appointment of the Ministers or Clergy and Teachers and in the like manner may supply all vacancies or direct the mode in which such vacancies shall be supplied and may from time to time alter vary or rescind any such rules or rule.

Nineteenth. *Provided* that no person shall be appointed to any Congregation of the said Free Church of England as the Pastor thereof except an ordained Minister of the said Free Church of England.

Twentieth - Uses of Churches Schools &c. *All* the Churches Chapels school houses and other buildings which from time to time may be vested in the trustees for the use of the Free Church of England shall be used and occupied as places of Religious Worship and for Instruction by Congregations of the said Church and for Public and other Meetings and Services to be held according to the rules of the said Church as such Rules shall from time to time be made by the Convocation in the manner aforesaid.

Twenty first - Funds. *All* funds other than those for purely Congregational purposes shall be held by trustees {who shall be held be trustees} who shall be Communicants and Members of the Free Church of England and no person shall be appointed a trustee or any Freehold Leasehold or other property settled upon or in trust for the said Church who shall not be a Member and Communicant of the said Church. All monies and other property held in trust for the use of the said Church shall be disposed of and applied (except the Declaration of any Trust by the Creator or Creators thereof shall express to the contrary) in such manner and way as the Convocation expressed by vote at its meetings shall direct.

Twenty Second. *If* any person appointed a trustee shall cease to be a Member and Communicant of the said Church (except as aforesaid) he or she shall cease to be a trustee and any trustee (except as aforesaid) refusing to obey a resolution of the annual Convocation shall thereby be considered as resigning his or her trusteeship and shall cease to be a trustee and in either of the said two last mentioned cases such trustee (ceasing to be a member or refusing to obey any such resolution as aforesaid) shall forthwith at the expense of the said trust estate and upon being indemnified against any liability he or she may have incurred or may incur as such trustee convey assign and transfer the trust estate and premises so vested in him or her into the other trustees or trustee thereof duly nominated and appointed by the Convocation.

Twenty Third. *No* trust property belonging to the said Church shall be vested in less than seven trustees and in case the number of trustees shall be reduced by death incapacity or refusal to act or through any other cause to less than four the Convocation shall nominate other persons to be trustees to make up the required number but the said Convocation shall have power to increase the number of trustees beyond the number appointed in the original Trust Deed and in either of such cases the trust estate and property shall be so assigned and dealt with that the same may be vested in the new trustees jointly with the old trustees or otherwise as occasion may require.

Twenty Fourth. *Provided also* and it is hereby agreed and declared that no Minister or Member of the said Connexion of the Countess of Huntingdon who shall be admitted a Minister or Member of the Free Church of England shall thereby relinquish or lose any of their rights privileges or authority whatsoever as Ministers or Members of the said Connexion.

Twenty Fifth. No Congregation of the Free Church of England shall have any Ministers as their regular Pastors unless such Ministers have been ordained or received as Ministers of the said Church by the Convocation in manner aforesaid.

Twenty Sixth. *The form of subscription for the Ministers and other Office bearers of the Free Church of England until and unless altered by the Convocation in manner aforesaid shall be as follows (that is to say) "I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God and to contain all things necessary to Salvation and I do sincerely engage to conform to the Doctrines and Worship of the Free Church of England."*

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Thomas E. Thoresby

Wm Woodhouse

Thos Dodd

T. W. Constantine

George Jones

Thos C. Blundell

Thos Drayton

F. W. Willcocks

William List

Signed sealed and delivered by Thomas Elisha Thoresby, William Woodhouse, Thomas Dodd, Thomas William Constantine, George Jones, Thoomas Charles Blundell, Thomas Drayton, Frederick William Willcocks and William List in the Presence of

William Lewis Solicitor Wilmington Square

Thos S.. Lewis Sols 7 Wilmington Square.

Grubb *And be it Remembered* that on the tenth day of December in the year of our Lord 1863 the aforesaid Thomas Elisha Thoresby came before our said Lady the Queen in her Chancery and acknowledged the deed aforesaid and all and every thing therein contained and specified in form above written and also the Deed aforesaid was stamped according to the tenor of the Statutes made for that purpose.

Enrolled the tenth day of December in the year of our Lord one thousand eight hundred and sixty three.