

New Zealand



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1924, No.2. - *Private*

Title.

AN ACT to incorporate the Spiritualist Church of New Zealand.

[22nd September, 1924.

Preamble.

WHEREAS certain persons, being of a religious body called "Spiritualists," in the Dominion of New Zealand, and holding as their general tenets the doctrines of beliefs set out in the Schedule A hereto, have formed an association called "The Spiritualist Church of New Zealand," the constitution of which is set forth and described in the Schedule B hereto: And whereas certain lands and buildings in connection with the various congregations or Churches of the said denomination are vested in trustees upon certain trusts, but such trusts are not in all cases the same: And whereas it is expedient that the said association shall be incorporated, and that provision should be made by which all the lands and buildings in connection with the various Churches or congregations of the said denomination should be held upon the same trusts:

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

Short Title.

1. The Short Title of this Act is the Spiritualist Church of New Zealand Act, 1924.

Definition of the Word "Church."

2. In this Act the word "Church" shall mean the persons for the time being united together fellowship forming a Church of the Spiritualist denomination, and called Church members; and throughout this Act the said word "Church" refers to the Churches severally in different localities who may seek to take advantage of this Act for the purpose of conveying or transferring their lands or buildings and personal property to the body corporate hereinafter mentioned.

*Spiritualist Church
to be a body
corporate.*

3. All persons who are or may hereafter become members of the religious body or denomination of Spiritualists from henceforth shall be a body corporate by the name of "The Spiritualist Church of New Zealand," and shall have perpetual succession and a common seal, and under that name may sue and be sued, prosecute, defend, and take all other proceedings in all Courts, civil and criminal, within the said Dominion; and it shall be lawful for the said body corporate to take, purchase, receive, hold, and enjoy real and personal property of any description whatever, and also to sell, grant, convey, demise, or otherwise dispose of, either absolutely or by way of mortgage, any of the property, real or personal, belonging to the said body corporate, and generally to exercise, subject to the provisions of this Act, all powers incident to a body corporate; and the Executive Committee for the time being of the said Church or association shall have the custody and use of the common seal of the said body corporate; and a majority of members of such committee present at any meeting shall have power to use or direct the use of such seal for all purposes for which the use of such seal is required.

*Property may
be conveyed to
Church.*

4. All persons who now hold or in whom are vested lands or buildings within New Zealand as trustees in trust for any association of Spiritualists under any deed or deeds may, subject to the proviso hereinafter contained, convey or transfer the same to the said body corporate, and the same shall thereafter be held by the said body corporate under and subject to the trusts set forth and specified in the Schedule C hereto, and the trusts under which said lands or buildings had been theretofore held shall cease and determine. And it is further enacted that if any of the said trustees should at the time of the execution of such conveyance be absent from New Zealand, then any of his co-trustees may act as his attorney and sign and execute any such conveyance for every trustee so absent as aforesaid, and such signature and execution shall have the same effect as if the conveyance was signed and executed by such absent trustee.

*Conditions
regulating
Conveyances to
Church.*

5. Provided that such trustees shall not make any such conveyance as aforesaid to the body corporate until they have first obtained the consent and direction of the majority of the Church members in trust for whom such lands are held, present at a meeting duly convened as hereinafter mentioned for that object, and such meeting shall be called by a notice of the object of such meeting, together with any day, hour, and place of holding such meeting, which notice shall be signed by the president, chairman, or other person for the time being who is acting as the head or chief person in such Church or association of Spiritualists, or in case of his neglect for fourteen days or absolute refusal after request in writing made by five members of the Church of association, or in case of there being no president, then by the same number of members, and be posted on the door of the building used for public worship or in connection with the said lands 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 in such building, and that no direction or consent shall be considered to have been given until such meeting shall have been called in the way described and the majority of the Church members present and voting at such meeting shall have passed a resolution directing such conveyance to be made.

*Qualifications of
members voting on
questions of
conveyance.*

6. Only the members present at any such meeting of the age of twenty-one years and upwards shall be allowed to vote, and no person who shall have been admitted as a member within three months immediately prior to such meeting shall be entitled to vote on the question.

*Who to be
Chairman of
Meetings.*

7. The chairman of such meeting shall be the president or person recognised as the head of the local Church or association, or in case of his refusal, absence, or incapacity, or there being no president or chairman, then a person chosen by the major part of the members present at the meeting; and the said 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 in addition.

SCHEDULES.

SCHEDULE A.

RELIGION OF SPIRITUALISTS.

1. The Universal Fatherhood of God.
2. The Universal Brotherhood of Man.
3. The Communion of Spirits and the Ministry of Angels.
4. The Survival of Bodily Death.
5. Personal Responsibility.
6. Compensation and Retribution, here or hereafter, for all the Good and Evil Deeds done on Earth.
7. Eternal Progress open to every Human Soul.

- (a) It is not intended that the aforesaid articles are to be presented as a confession of faith, or with any authority, or as a standard to which assent is required.
- (b) The aforesaid articles are to be construed as expressing not the full creed of all Spiritualists, but as supplying a common basis of beliefs on which all Spiritualists can agree and unite in fellowship under them as members of the Spiritualist Church.

SCHEDULE B.

CONSTITUTION AND GOVERNMENT.

Amended to 21st April, 1930.

1. The Spiritualist Church shall be governed by a National Council, which shall meet when summoned by the Executive Committee hereinafter constituted or when summoned by any member of the Spiritualist Church with the consent in writing of not less than one half of the associated Churches for the time being signed on behalf of each such Church by the President or Chairman or other person for the time being acting as the head or chief person thereof.
2. The National Council shall consist of members of Spiritualist Churches duly appointed as delegates by general meeting.
3. Each of the associated Churches shall be represented at the National Council by its President or Deputy President, and by delegates according to the following scale: For twenty-five members or under, one delegate; and an additional delegate for every twenty-five or fraction of twenty-five, such fraction not being less than fifteen members belonging to such Church; the maximum number for any Church being four.
4. Churches shall be received into the Spiritualist Church at any National Council meeting by vote of the majority of the National Council on a recommendation of the Executive Committee.
5. At each National Council a President, Vice-President, Treasurer and Secretary shall be chosen by vote of the members present and they shall hold office until their successors have been appointed.
6. At each National Council there shall also be chosen by vote an Executive Committee of not less than four (exclusive of the President, Vice-President, Treasurer and Secretary, who shall be members *ex officio*), which Executive Committee shall make all arrangements for the next meeting of the Council, present a report on matters arising since the last meeting of the Council, and further attend to all matters referred to it by the National Council. All elections shall be by secret ballot, and be conducted by rules approved by the Executive Committee. The Executive Committee shall hold office until their successors are appointed.

7. Such Executive Committee shall have all necessary powers:—
 - (a) To prescribe the qualifications necessary for pastors, teachers, or mediums who may be licensed to preach, teach, or practice mediumship in any Church or amongst any association of Spiritualists:
 - (b) To examine candidates applying for such licences:
 - (c) To issue licenses to any pastor, teacher, or medium for any specified term or during good behaviour, and to suspend, vary, or cancel any such license:
 - (d) To forbid the practice or teaching in any Churches of superstitious observances and anything that might in its opinion injure the cause of Spiritualism or bring it into disrepute:
 - (e) To generally conduct in all respects the organization of the Spiritualist Church in matters of finance, discipline of pastors, teachers, and mediums, and in such other respects as Church organizations are usually controlled:
 - (f) To issue rules for the custody and use of the seal and the order and good government of the Spiritualist Church.
- 7a. The Licenses issued as aforesaid to any pastor, teacher, or medium (whether before or after the coming into force of this clause) shall be and remain the property of the Spiritualist Church, and shall be returned to the Secretary thereof upon their expiration or cancellation or at any other time upon demand being made upon authority of the Executive Committee.
- (The Executive Committee may conduct its business by meeting or by correspondence or in such other manner as it may think fit. A resolution in writing signed by a majority of the members for the time being of the Executive Committee shall be as valid and effectual as if it had been passed at a meeting thereof duly called and constituted. A copy of every such resolution shall forthwith be sent to every member who has not signed the same.
8. Each of the associated Churches shall make an annual contribution to the funds of the National Council.
9. The Constitution of the Church shall not be subject to any alteration or addition except by the National Council, and after two full calendar months' notice given to the Secretary of the National Council, and all presidents of Churches to be represented at the National Council, of any desired alteration, amendment or addition.

SCHEDULE C.

DEALINGS WITH PROPERTY.

1. THE real property of the Church shall be held upon trust to permit the Church to erect on the land a church building, vestry, schoolhouse, manse, offices, and other buildings, with all necessary appendages, in such form and at such periods as the trustees may think proper and direct.
2. And upon trust to permit the said lands and premises to be used, occupied, and enjoyed for the public worship of God according to the usage's of Spiritualists, 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 pastor or other such persons as the said Church shall from time to time direct; and to permit the said premises to be repaired, enlarged, altered, taken down, and wholly or partly 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. And upon trust to permit such persons only to officiate as pastors, teachers, or mediums in the said premises as shall be of the Spiritualist Church, and shall have been chosen and licensed by the said Church, and who shall have subscribed to the beliefs set forth in Schedule A to this Act; and shall not permit or officiate in the said premises as pastors, teachers, or mediums any person who shall be guilty of immoral conduct, or who shall cease to be of the Spiritualist Church aforesaid, or who shall cease to hold such doctrines, or who shall have been removed from office by the said Church.

4. And upon trust to allow such occasional ministers or other persons to officiate in the said premises as the pastor shall appoint, or (if there be no pastor) as the members of such Church or association shall appoint.
5. And when and in such manner and subject to such conditions as to title or otherwise as shall be directed by the said Church by deposit of title deeds or by mortgage (with or without powers of or trusts for sale) of the premises or any part thereof, and to execute all proper assurances for that purpose; and when and in such manner and subject to such terms 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.
6. And upon trust to demise 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.
7. Provided always that a receipt under the seal of the said body corporate, and signed by the President and two members of the Executive Committee of the said body corporate, for any mortgage, sale, exchange, rent, or other moneys payable in respect of the said trust premises shall exonerate the persons taking the same from all liability to see the application thereof; and it shall not be incumbent on any mortgagee, purchaser, or tenant of the said premises or any part thereof, or on any person taking an exchange, to inquire into the necessity or propriety of any such mortgage, sale, letting, or exchange or its authorization by these presents.
8. Provided that before any sale, lease, mortgage, or exchange of any property of the Church can take place a meeting or assembly of the Church shall be convened for such purpose, and it shall be called by a notice stating the object of such meeting, together with the day, hour, and place of holding such meeting, which notice shall be signed by the president of the Church, or in case of his neglect for fourteen days or in case of his neglect for fourteen days of absolute refusal after request in writing made by five members of the Church, or in case of there being no president, 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 in 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 body corporate.
9. Only the members present at any such meeting of the age of twenty-one years or upwards shall be allowed to vote, and no person who shall not have been a member for 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.
10. The Chairman of every such meeting shall be the president of the Church, or in case of his refusal, absence, or incapacity, or there being no president to act as chairman, then a person shall be chosen by the major part of members present at the meeting. The chairman of such meeting shall have a deliberative vote, and in case of an equality of votes on any question a casting vote.
11. A statutory declaration by the chairman of any such meeting as aforesaid shall be conclusive proof that the required majority of members of the Church has given its consent to any matters herein before referred to as requiring such consent as aforesaid.

