

Chapter 458

ECCLESIASTICAL CORPORATIONS

ROMAN CATHOLIC BISHOPS

Act 207 of 1867

AN ACT to authorize the Roman Catholic archbishop of Detroit, Michigan, and the Roman Catholic bishops of Michigan, and their successors in office, and certain other persons, to hold property for the use or benefit of the church; to authorize the borrowing of money; to authorize the execution of contracts and agreements, and the administration of property held by them; and to authorize the exercise of any and all powers relating to the temporalities of the church.

History: 1867, Act 207, Eff. June 27, 1867 ;-- Am. 1937, Act 270, Imd. Eff. July 22, 1937 ;-- Am. 1954, Act 1, Imd. Eff. Feb. 4, 1954

The People of the State of Michigan enact:

458.1 Conveyances to Roman Catholic archbishop, bishops, and administrators in trust for religious, educational, or charitable purposes.

Sec. 1.

All gifts, grants, deeds, wills and other conveyances, wherein or whereby any lands, tenements or other property within this state have been given, bequeathed, devised or granted, or in any manner conveyed by any person or persons whatever, unto any person or persons, by the name, style or title of Roman Catholic or Catholic bishop of the diocese of Bardstown, Kentucky, and his successors, or to the Roman Catholic bishop or Catholic bishop of Cincinnati, Ohio, and his successors in office, or to the Roman Catholic or Catholic archbishop of Detroit, or to the Roman Catholic or Catholic bishop of Detroit, or administrator of Detroit, and his successors, or to the Roman Catholic or Catholic bishop of Sault Ste. Marie, or administrator of Sault Ste. Marie, and his successors, or to the Roman Catholic or Catholic bishop of Marquette, or administrator of Marquette, and his successors, or to the Roman Catholic bishop or Catholic bishop of the diocese of Grand Rapids, or administrator of Grand Rapids, and his successors in office, or to any person in his own name as Roman Catholic bishop of the diocese of Grand Rapids, his heirs and assigns, or to the Roman Catholic bishop or Catholic bishop of the diocese of Lansing, or administrator of Lansing, and his successors, or to the Roman Catholic bishop or Catholic bishop of the diocese of Saginaw, or administrator of Saginaw, and his successors, or to the Roman Catholic bishop or Catholic bishop of the diocese of Kalamazoo, or administrator of Kalamazoo, and his successors, or to the Roman Catholic bishop or Catholic bishop of the diocese of Gaylord, or administrator of Gaylord, and his successors, or to any other person or persons, upon the trust expressed or implied, to take, hold and receive the same for the use and benefit of any religious congregation of Roman Catholics, or for the support, aid and maintenance of any hospital, almshouse, school, seminary, church, parsonage, or for the burial grounds, or other religious, educational or charitable purposes, within this state; and all such gifts, grants, deeds, wills, devises and bequests and other conveyances which may hereafter be made, shall be sufficient and effectual in law to vest the legal title of, in and to said lands and tenements or other property, in such grantee, donee or devisee, in the present archbishop of the diocese of Detroit, or administrator, and in the present bishops or administrators of the Roman Catholic dioceses within the state of Michigan, in their respective dioceses, and in the persons who after them may become Roman Catholic archbishop of the diocese of Detroit, and Roman Catholic bishops of said dioceses, and in the successors of said Roman Catholic archbishop and Roman Catholic bishops forever, in trust, for the uses and purposes for which the said property is or may be hereafter acquired, granted, bequeathed, or devised, and in no other person or persons whatever: Provided, That it shall be necessary in relation to all gifts, grants, deeds, wills and other conveyances heretofore made as aforesaid, that the person or persons to whom the same were made, or to such persons as they may have conveyed to, if living, shall release their estate or interests therein to the said Roman Catholic archbishop of the diocese of Detroit, and to the said Roman Catholic bishops in the state of Michigan within their respective dioceses: And provided further, That nothing in this act shall be taken or construed to give or grant to the said Roman Catholic archbishop and Roman Catholic bishops, or administrators of the said dioceses of the state of Michigan, or their successors, the right to hold real estate in trust for any society except for charitable, religious, educational and literary purposes, or for burial grounds, as provided for by this act.

History: 1867, Act 207, Eff. June 27, 1867 ;-- CL 1871, 3124 ;-- How. 4727 ;-- CL 1897, 8310 ;-- CL 1915, 10909 ;-- Am. 1927, Act 149, Eff. Sept. 5, 1927 ;-- CL 1929, 10845 ;-- Am. 1937, Act 270, Imd. Eff. July 22, 1937 ;-- Am. 1938, Ex. Sess., Act 4, Imd. Eff. Sept. 8, 1938 ;-- CL 1948, 458.1 ;-- Am. 1954, Act 1, Imd. Eff. Feb. 4, 1954 ;-- Am. 1971, Act 136, Imd. Eff. Sept. 29, 1971

458.2 Roman Catholic archbishop, bishops or administrators; powers in administering property.

Sec. 2.

The archbishop of the Roman Catholic archdiocese of Detroit and the several bishops of the Roman Catholic dioceses within the state of Michigan and their successors in office, and administrators of the Roman Catholic dioceses within the state of Michigan, for the purpose of administering the property held by them respectively under this act and in respect thereto, are declared to have and to have had power:

- (a) To enter into any and all lawful contracts in respect of the property held by them;
- (b) To sue and be sued, complain and defend, in any court, or to be a party to any proceedings before any board, tribunal, commission, or any other public body;
- (c) For the purposes of the Roman Catholic church to acquire, purchase, hold, convey, lease, mortgage, and in every way deal in real and personal property of all kinds without limitation; the power to hold real and personal estate shall include the power to take the same by gift, devise or bequest, and upon trusts, either express or implied;
- (d) For the purposes of the Roman Catholic church to borrow money and to give promissory notes therefor, and to secure the payment thereof by mortgage or other lien upon real or personal property; to issue, sell or pledge bonds, notes, bills of exchange, debentures and other obligations and evidences of church indebtedness; and to guarantee, purchase, hold, sell, assign or otherwise dispose of the stock, bonds, or securities of corporations;
- (e) To appoint agents and attorneys in fact;
- (f) To exercise without limitation of the foregoing, any and all powers relating to the temporalities of the Roman Catholic church vested in such archbishop or bishop or administrator by virtue of his office.

History: Add. 1941, Act 105, Imd. Eff. May 20, 1941 ;-- CL 1948, 458.2 ;-- Am. 1954, Act 1, Imd. Eff. Feb. 4, 1954

METHODIST CHURCHES

Act 189 of 1941

AN ACT to correct the name of certain churches.

History: 1941, Act 189, Imd. Eff. June 16, 1941

The People of the State of Michigan enact:

458.11 Methodist churches; change of name.

Sec. 1.

This act shall be applicable to the corporations hereinbefore incorporated under any general or special act as a Methodist Episcopal Church or Methodist Protestant Church.

History: 1941, Act 189, Imd. Eff. June 16, 1941 ;-- CL 1948, 458.11

458.12 Methodist churches; amendment of articles of incorporation to effect change.

Sec. 2.

The articles of association of any ecclesiastical corporation heretofore incorporated under any general or special act of this state as a Methodist Episcopal Church or as a Methodist Protestant Church in the name of which the word "Episcopal" or the word "Protestant" appears after the word "Methodist" are hereby amended by deleting from the name of each of such corporations the word "Episcopal" or the word "Protestant" as the case may be. Such change in the name of any such corporation shall become operative ipso facto upon the effective date of this act without the filing of any amendment to the articles of association of any such corporation.

History: 1941, Act 189, Imd. Eff. June 16, 1941 ;-- CL 1948, 458.12

METHODIST EPISCOPAL CHURCHES

Act 11 of 1899

AN ACT for the organization of corporate Methodist Episcopal churches; and to impose certain duties upon the department of commerce.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- Am. 1982, Act 74, Imd. Eff. Apr. 19, 1982

The People of the State of Michigan enact:

458.21 Methodist Episcopal church; incorporators.

Sec. 1.

That it shall be lawful for any number of members of the Methodist Episcopal church of full age, not less than 9, with the consent of the presiding elder of the district in which the proposed church is to be located, to organize and procure the incorporation of a Methodist Episcopal church.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10915 ;-- CL 1929, 10846 ;-- CL 1948, 458.21
Former Law: See Act 110 of 1895.

458.22 Articles and certificate of consent; execution.

Sec. 2.

The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgement of deeds, articles of association in writing, whereby they shall agree to organize a church, which shall be governed by the discipline, rules and usages of the Methodist Episcopal church. To such articles of association there shall be attached a certificate by the presiding elder of the district in which said church is to be located that the said church was organized by and with the consent of said presiding elder.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10916 ;-- CL 1929, 10847 ;-- CL 1948, 458.22

458.23 Articles and certificate of consent; contents, form.

Sec. 3.

Said articles of association shall contain the following items: First, The name of said church; Second, The township, village or city, and the county in which said church shall be located; Third, The time for which said corporation shall be created; Fourth, An agreement to worship and labor together according to the discipline, rules and usages of the Methodist Episcopal church. Said articles may be in the following form:

We, the undersigned, desiring to become incorporated under the provisions of act number of the public acts of 1899, entitled "An act for the organization of corporate Methodist Episcopal churches," do hereby make, execute and adopt the following articles of association, to wit:

First, The name assumed by this corporation, and by which it shall be known in law, is "The Methodist Episcopal church;"

Second, The location of said church shall be in the of county of and state of Michigan;

Third, The time for which said corporation shall be created shall not exceed 30 years from, the date of its organization;

Fourth, The members of said church shall worship and labor together according to the discipline, rules and usages of the Methodist Episcopal church in the United States of America, as from time to time authorized and declared by the general conference of said church and the annual conference within whose bounds said corporation is situated.

In witness whereof, we, the parties hereby associating for the purpose of giving legal effect to these articles, hereunto sign our names and places of residence.

Done at the of, county of, and state of Michigan, this day of, A.D. 189....
(Signatures.) } SS. (Residences.)

State of Michigan,

County of

On this day of, A.D., before me, a in and for said county, personally appeared, known to me to be the persons named in, and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

.....
I, presiding elder of the district, of the annual conference of the Methodist Episcopal church, the same being the district in which the church mentioned in the foregoing articles of association is to be, or is now located, do hereby certify that such church was organized by and with my consent and concurrence.

Dated at, Mich., A.D. 189....

.....
Presiding Elder.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10917 ;-- CL 1929, 10848 ;-- CL 1948, 458.23

458.24 Articles of association; execution and acknowledgment; filing articles and certificate with department of commerce; members of church as body politic or corporation.

Sec. 4.

Said articles of association shall be executed in duplicate, and acknowledged before some officer authorized by law to take acknowledgment of deeds. One of such duplicate copies shall be retained by such corporation and 1 copy shall be filed with the corporation and securities bureau of the department of commerce. When said articles of association and said certificate of the presiding elder shall have been filed with the corporation and securities bureau of the department of commerce, the said persons so signing said articles of association, and their associates and fellow members of said church, and all who may thereafter become members of said church according to the discipline, rules, and usages of the Methodist Episcopal church, shall thereby become, and thenceforth be, a body politic or corporation, by the name expressed in said articles of association, with all the powers, rights, and privileges appertaining to religious corporations by the laws of this state.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10918 ;-- CL 1929, 10849 ;-- CL 1948, 458.24 ;-- Am. 1982, Act 74, Imd. Eff. Apr. 19, 1982

458.25 Church government; ecclesiastical polity.

Sec. 5.

Said church, when so organized, shall be subject in all matters of church government and ecclesiastical polity to the discipline, usage and ministerial appointments of the Methodist Episcopal church in the United States of America, as from time to time authorized and declared by the general conference of said church and the annual conference within whose bounds such corporation may be situated.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10919 ;-- CL 1929, 10850 ;-- CL 1948, 458.25

458.26 Management of temporalities; trustees.

Sec. 6.

The temporalities of said church shall be managed by a board of trustees consisting of not less than 3, nor more than 9 members, to be elected by said corporation, the said trustees to hold their office for the term of 1 year, or until their successors shall be elected and duly qualified. Vacancies in said board may be filled at any time for the balance of the unexpired term by an election as in other cases.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- Am. 1901, Act 9, Imd. Eff. Feb. 20, 1901 ;-- CL 1915, 10920 ;-- CL 1929, 10851 ;-- CL 1948, 458.26

458.27 Powers of corporation and board of trustees; rights of ministers and presiding elders.

Sec. 7.

Said corporation may have a seal and alter the same at pleasure; it may in its corporate name sue and be sued in all courts and places; it shall have power to acquire, hold, sell and convey property, both real and personal, in accordance with this act, and it may recover and hold the debts, demands, rights, privileges and all property, whether real or personal, of whatsoever sort it may be, belonging or appertaining to said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had originally been vested in said corporation. The board of trustees may authorize certain of the officers of said board to affix the corporate name and the seal of the corporation, and to execute and attest conveyances, notes, obligations, acquittances and all other necessary legal documents. It may sell, mortgage and dispose of its personal property; and may mortgage and incumber its real estate, but not for the current expenses of the church. It may hold so much land as may be needful for the proper purposes of said church and its parsonage. Said corporation shall at all times permit such ministers, belonging to the Methodist Episcopal church, as shall from time to time be duly authorized by the general conference of said church, or by the annual conference within whose bounds the said corporation may be, to preach and expound God's holy word therein; and shall permit pastors and presiding elders, duly appointed to execute the discipline of said Methodist Episcopal church, to administer the sacraments therein.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10921 ;-- CL 1929, 10852 ;-- CL 1948, 458.27

458.28 Amendment of articles; procedure.

Sec. 8.

It shall be lawful for any church organized under the provisions of this act, by a 2/3 vote of the quarterly conference of said church, to alter or amend its articles of association in any manner not inconsistent with the provisions of this act or the book of discipline of the Methodist Episcopal church; and such alteration or amendment shall become operative when 2/3 of all the members of the quarterly conference shall execute amended articles and the said amended articles are acknowledged in the same manner as stated in section 3 of this act, and the presiding elder has affixed his certificate thereto, as provided in said section, and the same has been recorded or left for record, as provided in section 4 of this act.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10922 ;-- CL 1929, 10853 ;-- CL 1948, 458.28

458.29 Sale of realty; procedure, proceeds; abandoned property.

Sec. 9.

Whenever it shall become necessary, for the payment of debts or with a view of reinvestment, to make a sale of any real estate belonging to said church, the quarterly conference of said church may, by a vote of a majority of all the members of said quarterly conference and the consent of the pastor of said church and of the presiding elder of the district of which such church may or shall be a part, authorize a sale of said real estate by the trustees of said church, with such limitations and restrictions as the quarterly conference may judge necessary and impose; and the trustees of said church, when so authorized, may sell and convey said property, and with the proceeds of such sale pay the debts of such corporation, or reinvest the said proceeds by the purchase or improvement of other property for the same uses and deeded to the corporation in the same manner as provided in section 7 of this act, as said trustees may be directed by the quarterly conference: Provided, That in all cases the proceeds of such sale, after the payment of debts, if any, if not applied to the purchase or improvement of other property as aforesaid, shall be held by such corporation subject to the order of the annual conference within the bounds of which such property is located. In all cases where property belonging to any church incorporated under the provisions of this act has been abandoned, and is no longer used for the purpose for which said property was acquired, or said corporation has dissolved, or has ceased to exist, the title to the said property belonging to said corporation shall pass to the annual conference within the bounds of which said property is located; and said annual conference may, by such officer or committee as said annual conference may designate for that purpose, apply to the circuit court in chancery, for the county in which such property may be, for license to sell the same; and such license may be granted by said court after such notice of said application as the court may direct; and thereupon said property may be sold, and the proceeds of such sale applied or used as said annual conference may direct.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10923 ;-- CL 1929, 10854 ;-- CL 1948, 458.29

458.30 Reincorporation under act.

Sec. 10.

Any Methodist Episcopal church heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate, may by a 2/3 vote of the members of the quarterly conference, place itself under the provisions of this act, the same as if originally incorporated under it, by 2/3 of the members of said quarterly conference executing articles of association as provided in section 3 of this act, and the presiding elder affixing his certificate thereto, as provided in said section, and recording the same, as provided in section 4 of this act.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10924 ;-- CL 1929, 10855 ;-- CL 1948, 458.30

458.31 Construction of inconsistent acts.

Sec. 11.

In all proceedings or suits that may arise, or be brought in any of the courts of this state, touching, or in any way concerning, churches that may be incorporated under this act, or which by vote of the quarterly conference thereof may have placed themselves under its provisions, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated or placed thereunder.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10925 ;-- CL 1929, 10856 ;-- CL 1948, 458.31

458.32 Trustees; evidence of authority.

Sec. 12.

It is further provided that the execution by the acting trustees of said corporation, in proper form, of any deed, mortgage, note, bond, or other obligation or contract of said corporation, shall be prima facie evidence of the proper appointment of said trustees and that the necessary steps have been taken to give them full authority to make such transaction.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10926 ;-- CL 1929, 10857 ;-- CL 1948, 458.32

458.33 Extension of corporate existence; filing resolution with department of commerce; effect.

Sec. 13.

Any corporation organized under the provisions of this act whose corporate existence is about to expire by limitation may extend its corporate existence from time to time for a term not exceeding 30 years, by causing to be filed with the corporation and securities bureau of the department of commerce, a copy of a resolution expressing a desire to so extend its corporate existence, which resolution shall be adopted by such corporation at a meeting called for the purpose by the pastor of the church or the presiding elder of the district within which said corporation is located. When such resolution is filed with the corporation and securities bureau of the department of commerce, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term not exceeding 30 years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

History: 1899, Act 11, Imd. Eff. Mar. 2, 1899 ;-- CL 1915, 10927 ;-- CL 1929, 10858 ;-- CL 1948, 458.33 ;-- Am. 1982, Act 74, Imd. Eff. Apr. 19, 1982

WESLEYAN METHODIST CHURCHES

Act 27 of 1905

AN ACT to provide for the incorporation of Wesleyan Methodist churches; and to impose certain duties upon the department of commerce.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- Am. 1982, Act 75, Imd. Eff. Apr. 19, 1982

458.41 Wesleyan Methodist church; incorporators.

Sec. 1.

It shall be lawful for any number of members of the Wesleyan Methodist connection (or church), of full age, not less than 5, to organize and procure the incorporation of a Wesleyan Methodist church.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11044 ;-- CL 1929, 10859 ;-- CL 1948, 458.41

458.42 Articles of association; execution.

Sec. 2.

The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, articles of association in writing, whereby they shall agree to organize a church, which shall be governed by the discipline, rules and usages of the Wesleyan Methodist connection (or church).

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11045 ;-- CL 1929, 10860 ;-- CL 1948, 458.42

458.43 Articles; contents, form.

Sec. 3.

Said articles of association shall contain the following items: First, the name of said church; second, the township, village or city, and the county in which said church shall be located; third, the time for which said corporation shall be created; fourth, an agreement to worship and labor together according to the discipline, rules and usages of the Wesleyan Methodist connection (or church). Said articles may be in the following form:

We, the undersigned, desiring to become incorporated under the provisions of act number of the public acts of 1905, entitled "An act to provide for the incorporation of Wesleyan Methodist churches," do hereby make, execute and adopt the following articles of association, to wit:

First, The name assumed by this corporation, and by which it shall be known in law, is "The Wesleyan Methodist Church;"

Second, The location of said church shall be in the of, county of, and state of Michigan;

Third, The time for which said corporation shall be created shall not exceed 30 years from, the date of its organization;

Fourth, The members of said church shall worship and labor together according to the discipline, rules and usages of the Wesleyan Methodist connection (or church) of America, as from time to time authorized and declared by the general conference of said connection and the annual conference within whose bounds said corporation is situated.

In witness whereof, we, the parties hereby associating, for the purpose of giving legal effect to these articles, hereunto sign our names and places of residence.

Done at the of, county of and state of Michigan this day of, A.D. 19....

(Signatures.) } SS. (Residences.)

State if Michigan,

County of

On this day of, A.D. 19....., before me, a, in and for said county, personally appeared, known to me to be the persons named in, and who executed the foregoing

instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

.....
.....

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11046 ;-- CL 1929, 10861 ;-- CL 1948, 458.43

458.44 Articles of association; execution and acknowledgment; filing articles with department of commerce; members of church as body politic or corporation.

Sec. 4.

Said articles of association shall be executed in duplicate, and acknowledged before some officer authorized by law to take acknowledgment of deeds. One of such duplicate copies shall be retained by such corporation and 1 copy shall be filed with the corporation and securities bureau of the department of commerce. When said articles of association shall have been filed with the corporation and securities bureau of the department of commerce, the said persons so signing the said articles of association, and their associates and fellow members of said church, and all who may thereafter become members of said church, according to the discipline, rules, and usages of the Wesleyan Methodist connection or church, shall thereby become, and thenceforth be, a body politic or corporation, by the name expressed in said articles of association, with all the powers, rights, and privileges appertaining to religious corporations by the laws of this state.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11047 ;-- CL 1929, 10862 ;-- CL 1948, 458.44 ;-- Am. 1982, Act 75, Imd. Eff. Apr. 19, 1982

458.45 Church government; ecclesiastical polity.

Sec. 5.

Said church, when so organized, shall be subject in all matters of church government and ecclesiastical polity to the discipline, usages and ministerial appointments of the Wesleyan Methodist connection (or church) of America, as from time to time authorized and declared by the general conference of said connection and the annual conference within whose bounds such corporation may be situated.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11048 ;-- CL 1929, 10863 ;-- CL 1948, 458.45

458.46 Board of trustees; election, term, vacancies; secular affairs.

Sec. 6.

The secular affairs of such church shall be managed by a board of trustees, consisting of not less than 3 nor more than 9 members, to be elected by ballot by said corporation from the membership of the church. The said trustees shall hold office for such term as the said church shall decide upon, and until their successors are elected, unless they cease to be members of said church, in which case they shall also cease to be trustees. Vacancies in said board may be filled at any time for the balance of the term, by an election as in other cases.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11049 ;-- CL 1929, 10864 ;-- CL 1948, 458.46

458.47 Board of trustees; election in certain case; dissolution, conference legal successor; sale of property.

Sec. 7.

If it shall happen that any church organized under the provisions of this act shall, from any cause, be found at any time without trustees, such church shall not for that cause lose its corporate existence, but such church may at any time proceed to elect trustees, as provided in this act: Provided, That whenever any corporation organized under the provisions of this act shall be dissolved by the death of all its members, or by the loss of so many of them that it is thereby rendered unable to do any corporate act or to restore itself by proceeding to elect trustees, as provided in this act, the annual conference, within whose bounds such corporation may be situated, shall be held and deemed to be the legal successor of such corporation and shall succeed to, and be vested with, all property rights which were in such corporation at the time it was dissolved; and said annual conference may, by such officer or committee as said annual conference may designate for that purpose, apply to the circuit court in chancery, for the county in which such property may be, for license to sell the same; and such license may be granted by said court after such notice of said application as the court may direct; and thereupon said property may be sold, and the proceeds of such sale applied or used as said annual conference may direct.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11050 ;-- CL 1929, 10865 ;-- CL 1948, 458.47

458.48 Bylaws.

Sec. 8.

The persons forming such corporation may adopt bylaws, and execute and acknowledge them in the same manner as the articles of association above provided for, and such bylaws shall be retained by such corporation. Such bylaws shall prescribe the qualifications of members; the manner in which persons are to become members, or cease to be such; the officers of such corporation; their official titles; their term of office; the manner of their election and removal from office; their official duties; the time and manner of calling and holding meetings; the manner and condition under which personal property and real estate may be acquired, held, and disposed of, and such other bylaws as may be deemed necessary for the management of the affairs of such corporation. Such bylaws shall also prescribe the manner in which they may be altered, amended, or repealed.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11051 ;-- CL 1929, 10866 ;-- CL 1948, 458.48 ;-- Am. 1982, Act 75, Imd. Eff. Apr. 19, 1982

458.49 Powers of corporation; rights of ministers.

Sec. 9.

Said corporation may have a seal and alter the same at pleasure; it may, in its corporate name, sue and be sued in all courts and places; it shall have power to acquire, hold, sell and convey property, both real and personal, in accordance with this act, and it may recover and hold the debts, demands, rights, privileges, and all property, whether real or personal, of whatever sort it may be, belonging or appertaining to said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had originally been invested in said corporation. It may sell (but not mortgage) or otherwise dispose of its personal property. And it may, under restrictions hereinafter provided, sell, mortgage, or otherwise dispose of or encumber its real estate, but not for current expenses. It may hold so much land as may be needful for the proper purposes of said church and its parsonage. It may also hold for a period not to exceed 10 years, real estate, which may be conveyed or devised to it or to said trustees to be sold and the proceeds to be used in any way for the benefit of said church, as directed in the conveyance or will. Said corporation shall at all times permit such ministers belonging to the Wesleyan Methodist church, as shall from time to time be duly authorized by the general

conference of said connection (or church) or by the annual conference, within whose bounds the said corporation may be, to preach and expound God's holy word therein; and shall permit pastors duly appointed to execute the discipline of the Wesleyan Methodist connection, and to administer the sacraments therein.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11052 ;-- CL 1929, 10867 ;-- CL 1948, 458.49

458.50 Alteration or amendment of articles or bylaws.

Sec. 10.

It shall be lawful for any church organized under the provisions of this act, by a 2/3 vote of the members of the same, who are present and voting, to alter and amend its articles of association, or its bylaws, in any manner not inconsistent with the provisions of this act, or the discipline of the Wesleyan Methodist connection; and such alteration or amendment shall become operative when 2/3 of the voting members present shall authorize the board of trustees to execute and acknowledge the amended article or articles in the same manner as stated for the original articles, and the same has or have been filed with the corporation and securities bureau of the department of commerce as provided in section 4 of this act.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11053 ;-- CL 1929, 10868 ;-- CL 1948, 458.50 ;-- Am. 1982, Act 75, Imd. Eff. Apr. 19, 1982

458.51 Sale or mortgage of real estate for re-investment or to pay debts; title, passing to annual conference.

Sec. 11.

When it shall become necessary for the payment of debts, or with a view to re-investment, to make a sale or mortgage of any real estate belonging to said church, the members of the church, by a 2/3 majority of the same, who are present and voting, may authorize a sale or mortgage of said real estate by the trustees of said church, who, when so authorized, may sell and convey or mortgage said property, and with the proceeds of such sale or mortgage pay the debts of such corporation, or re-invest the said proceeds by the purchase or improvement of other property for the same uses and deeded to the corporation in the same manner as provided in section 9 of this act, as said trustees may be directed by the church. In all cases where property belonging to any church incorporated under the provisions of this act has been abandoned and is no longer used for the purpose for which said property was acquired, or said corporation has dissolved, or has ceased to exist, the title to said property belonging to said corporation, together with all property rights which were in such corporation at the time it was dissolved, shall pass to the annual conference within the bounds of which said property is located, and said annual conference may proceed as in section 7 of this act.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11054 ;-- CL 1929, 10869 ;-- CL 1948, 458.51

458.52 Reincorporation under act; procedure.

Sec. 12.

Any Wesleyan Methodist church heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate, may by a 2/3 vote of the members of the society, present and voting, place itself under the provisions of this act, the same as if originally incorporated under it, by 2/3 of the members present and voting executing articles of association as provided in section 3 of this act, and recording the same, as provided in section 4 of this act.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11055 ;-- CL 1929, 10870 ;-- CL 1948, 458.52

458.53 Construction of inconsistent acts.

Sec. 13.

In all proceedings or suits that may arise, or be brought in any of the courts of this state, touching, or in any way concerning churches that may be incorporated under this act, or which by vote of the members of the society thereof may have placed themselves under its provisions, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated or placed thereunder.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11056 ;-- CL 1929, 10871 ;-- CL 1948, 458.53

458.54 Trustees; evidence of authority.

Sec. 14.

It is further provided that the execution by the acting trustees of said corporation, in proper form, of any deed, mortgage, note, bond, or other obligation or contract of said corporation, shall be prima facie evidence of the proper appointment of said trustees, and that the necessary steps have been taken to give them full authority to make such transaction.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11057 ;-- CL 1929, 10872 ;-- CL 1948, 458.54

458.55 Extension of corporate existence; filing resolution with department of commerce; effect.

Sec. 15.

Any corporation organized under the provisions of this act, whose corporate existence is about to expire by limitation, may extend its corporate existence from time to time for a term not exceeding 30 years, by causing to be filed with the office of the corporation and securities bureau of the department of commerce, a copy of a resolution expressing a desire to so extend its corporate existence, which resolution shall be adopted by such corporation at a meeting called for the purpose by the pastor of the church. When such resolution is left for record with the corporation and securities bureau of the department of commerce, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term not exceeding 30 years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

History: 1905, Act 27, Imd. Eff. Mar. 22, 1905 ;-- CL 1915, 11058 ;-- CL 1929, 10873 ;-- CL 1948, 458.55 ;-- Am. 1982, Act 75, Imd. Eff. Apr. 19, 1982

METHODIST PROTESTANT CHURCHES

Act 26 of 1907

AN ACT to provide for the incorporation of Methodist Protestant churches; and to impose certain duties upon the department of commerce.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- Am. 1982, Act 123, Imd. Eff. Apr. 19, 1982

The People of the State of Michigan enact:

458.61 Methodist Protestant church; incorporators.

Sec. 1.

It shall be lawful for any number of persons of full age, not less than 5, residing within the bounds of the charge in which the proposed church is to be located, to organize and procure the incorporation of a Methodist Protestant church.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11059 ;-- CL 1929, 10874 ;-- CL 1948, 458.61

458.62 Articles of association; execution.

Sec. 2.

The persons desiring to organize such church, shall execute and acknowledge before any person authorized to take acknowledgments of deeds, articles of association, in writing, whereby they shall agree to organize a church which shall be governed by the discipline, rules and usages of the Methodist Protestant church.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11060 ;-- CL 1929, 10875 ;-- CL 1948, 458.62

458.63 Articles; contents, form.

Sec. 3.

Said articles of association shall contain the following items:

First, The name of said church;

Second, The township, village or city and the county in which it shall be located;

Third, An agreement to worship and labor together according to the discipline, rules and usages of the Methodist Protestant church. Said articles may be in the following form: We, the undersigned, desiring to become incorporated under the provisions of act number of the public acts of, entitled "An act to provide for the incorporation of Methodist Protestant churches," do hereby make, execute and adopt the following articles of association, to-wit:

First, The name assumed by this corporation, and by which it shall be known in law, is "The Methodist Protestant church;"

Second, The location of said church shall be in the of, county of and state of Michigan;

Third, The members of said church shall worship and labor together, according to the discipline, rules and usages of the Methodist Protestant church, as from time to time authorized and declared by the general conference of said church, and the annual conference within whose bounds said corporation is situated;

Fourth, The trustees of this corporation shall be in number. At the first election of trustees of said church under these articles trustees shall be elected for a term of 1 year, trustees shall be elected for a term of 2 years, and trustees shall be elected for a term of 3 years, and trustees shall be elected at each annual election thereafter;

Fifth, The annual meeting of this society shall be held on of in each year, for the purpose of electing trustees, and transacting such other business as may properly come before it.

In witness whereof, we, the parties associating for the purpose of giving legal effect to these articles, hereunto

Done at the of, county of and state of Michigan this day of, A.D. 19....

State of Michigan,

On this day of, A.D. 19....., before me, a, in and for said county, personally appeared, known to me to be the persons named in, and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

duties of the office.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11064 ;-- CL 1929, 10879 ;-- CL 1948, 458.66

458.67 Powers of corporation; execution of legal documents; rights of ministers.

Sec. 7.

Said corporation may have a seal and alter the same at pleasure. It may in its corporate name, sue and be sued in all courts of this state. It shall have power to acquire, hold, sell or convey property, both real and personal, in accordance with this act, and it may hold and recover all debts, demands, rights, privileges and all property, whether real or personal, of whatsoever sort it may be, belonging or appertaining to said church in whatsoever manner the same may have been acquired, and in whosoever hands the same may be held, the same as if the right and title had originally been vested in said corporation. The board of trustees may authorize certain officers of said board to affix the name and seal of said corporation, and to execute and attest conveyances, notes, obligations, acquittances and all necessary legal documents. It may sell, mortgage or otherwise dispose of its personal property, and it may, under restrictions hereinafter provided, sell, mortgage or otherwise dispose of or encumber its real estate, but not for current expenses. It may hold so much land as may be needed for the proper purposes of the church and its parsonage. It may also hold for a period not to exceed 10 years, real estate, which may be conveyed or devised to it, or to said trustees, to be sold and the proceeds to be used in any way for the benefit of said church, as directed in the conveyance or will. Said corporation shall at all times permit all ministers belonging to the Methodist Protestant church, as shall from time to time be duly authorized by the annual conference, within whose bounds the said corporation may be, to preach and expound God's holy word therein, and shall permit presidents and pastors, duly appointed, to execute the discipline of the Methodist Protestant church and to administer the sacraments therein.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11065 ;-- CL 1929, 10880 ;-- CL 1948, 458.67

458.68 Powers of trustees; disposition of realty.

Sec. 8.

The trustees shall have power, according to the terms and limitations of the discipline of the Methodist Protestant church, as from time to time authorized and declared by the general conference of said church, to purchase, build, repair, lease, sell, rent, mortgage, encumber or otherwise dispose of property: Provided, That in case of selling, mortgaging or otherwise encumbering or disposing of real estate, the consent of the president of the annual conference, within whose bounds the said corporation may be, shall be obtained: And Provided further, That in case the said president shall refuse, or withhold his consent to the selling, mortgaging, encumbering or disposing of real estate, appeal may be had to the said conference at its next session, and said appeal shall be final.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11066 ;-- CL 1929, 10881 ;-- CL 1948, 458.68

458.69 Title; passing to annual conference; license to sell; dissolution of corporation.

Sec. 9.

In all cases where property belonging to any church society incorporated under the provisions of this act has been abandoned, or is no longer used for the purpose for which said property was acquired or for the benefit of said church society, and has not been conveyed by said society under the provisions of this act, or said corporation has dissolved or become extinct, the title to said property belonging to said corporation shall pass to the annual

conference within whose bounds said property is located. And said annual conference may, by such officer or committee as said conference may designate for that purpose, apply to the circuit court for the county in which said property may be, for license to sell the same. And such license may be granted by said court, after such notice of said application, as the court may direct, and thereupon said property may be sold and the proceeds of such sale disposed of as provided in the book of discipline of the Methodist Protestant church; and said court, upon the hearing of said application, may dissolve said corporation when it shall appear by proof that said society has ceased to support a pastor, or perform the usual functions of a church, for a period of 2 years.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11067 ;-- CL 1929, 10882 ;-- CL 1948, 458.69

458.70 Service of process.

Sec. 10.

In all suits or legal proceedings brought against corporations organized under the provisions of this act, process may be served upon the chairman or any member of the board of trustees.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11068 ;-- CL 1929, 10883 ;-- CL 1948, 458.70

458.71 Amendment of articles; procedure.

Sec. 11.

It shall be lawful for any church society incorporated under the provisions of this act, at a meeting called for that purpose, of which 4 weeks' notice shall have been given by announcement at a regular service, by a vote of 2/3 of all the qualified members present and voting, to amend its articles of association in any way not inconsistent with the provisions of this act, or the book of discipline of the Methodist Protestant church; and such amendment shall become operative when said amended articles are executed and acknowledged in the same manner as stated in sections 2 and 3 of this act and the same has been recorded, or left for record as provided in section 4 of this act.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11069 ;-- CL 1929, 10884 ;-- CL 1948, 458.71

458.72 Reincorporation under act; procedure.

Sec. 12.

Any Methodist Protestant church society, heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate, may, by a 2/3 vote of its qualified members, place itself under the provisions of this act, the same as if originally incorporated under it, by 2/3 of the qualified members executing articles of association as hereinbefore provided and recording the same as also hereinbefore provided.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11070 ;-- CL 1929, 10885 ;-- CL 1948, 458.72

458.73 Construction of inconsistent acts.

Sec. 13.

In all proceedings or suits that may arise or be brought in any of the courts of this state, touching or in any way concerning churches that may be incorporated under this act, or by a vote of the qualified members have placed themselves under its provisions, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated or placed thereunder.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11071 ;-- CL 1929, 10886 ;-- CL 1948, 458.73

458.74 Trustees; evidence of authority.

Sec. 14.

It is further provided that the execution by the trustees of said corporation, of any deed, mortgage, note, bond or other obligation, or contract of said corporation in proper form shall be prima facie evidence of the proper appointment of said trustees; said proceedings having been authorized by the society and president as hereinbefore provided.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907 ;-- CL 1915, 11072 ;-- CL 1929, 10887 ;-- CL 1948, 458.74

FREE METHODIST CHURCHES

Act 29 of 1901

AN ACT to provide for the incorporation of Free Methodist churches; and to impose certain duties upon the department of commerce.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- Am. 1982, Act 445, Eff. Mar. 30, 1983

The People of the State of Michigan enact:

458.81 Free Methodist church; incorporators.

Sec. 1.

It shall be lawful for any number of members of the Free Methodist church, of full age, not less than 5, with the consent of the district elder of the district in which the proposed church is to be located, to organize and procure the incorporation of a Free Methodist church.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11003 ;-- CL 1929, 10888 ;-- CL 1948, 458.81

458.82 Articles of association and certificate of consent; execution.

Sec. 2.

The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, articles of association in writing, whereby they shall agree to organize a church, which shall be governed by the discipline, rules and usages of the Free Methodist church. To such articles of

association there shall be attached a certificate by the district elder of the district in which said church is to be located, that the said church was organized by and with the consent of said district elder.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11004 ;-- CL 1929, 10889 ;-- CL 1948, 458.82

458.83 Articles and certificate of consent; contents, form.

Sec. 3.

Said articles of association shall contain the following items: First, the name of said church; second, the township, village or city, and the county in which said church shall be located; third, the time for which corporation shall be created; fourth, an agreement to worship and labor together according to the discipline, rules and usages of the Free Methodist church. Said articles may be in the following form:

We, the undersigned, desiring to become incorporated under the provisions of act number of the public acts of 1901, entitled "An act to provide for the incorporation of Free Methodist churches," do hereby make, execute and adopt the following articles of association, to wit:

First, The name assumed by this corporation, and by which it shall be known in law, is "The Free Methodist church;"

Second, The location of said church shall be in the, of, county of, and state of Michigan;

Third, The time for which said corporation shall be created shall not exceed 30 years from, the date of its organization;

Fourth, The members of said church shall worship and labor together according to the discipline, rules and usages of the Free Methodist church of North America, as from time to time authorized and declared by the general conference of said church and the annual conference within whose bounds said corporation is situated.

In witness whereof, we, the parties hereby associating for the purpose of giving legal effect to these articles, hereunto sign our names and places of residence.

Done at the of, county of, and state of Michigan, this day of, A.D. 189....
(Signatures.) } SS. (Residences.)

STATE OF MICHIGAN,

County of

On this day of, A.D., before me, a in and for said county, personally appeared, known to me to be the persons named in, and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

.....
I,, district elder of the district, of the annual conference of the Free Methodist church, the same being the district in which the church mentioned in the foregoing articles of association is to be, or is now located, do hereby certify that such church was organized by and with my consent and concurrence.

Dated at, Mich.,, A.D. 19....

..... ,

District Elder.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11005 ;-- CL 1929, 10890 ;-- CL 1948, 458.83

458.84 Articles of association; execution; acknowledgment; retention of copy; filing articles and certificate of consent; body politic or corporation; name; powers, rights, and privileges.

Sec. 4.

Said articles of association shall be executed in duplicate, and acknowledged before some officer authorized by law to take acknowledgment of deeds. One of such duplicate copies shall be retained by such corporation, and 1

copy shall be filed with the corporation and securities bureau of the department of commerce. When said articles of association and said certificate of the district elder shall have been filed with the corporation and securities bureau of the department of commerce, the said persons so signing the said articles of association, and their associates and fellow members of said church, and all who may thereafter become members of said church, according to the discipline, rules, and usages of the Free Methodist church, shall thereby become, and thenceforth be a body politic or corporation, by the name expressed in said articles of association, with all the powers, rights, and privileges appertaining to religious corporations by the laws of this state.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11006 ;-- CL 1929, 10891 ;-- CL 1948, 458.84 ;-- Am. 1982, Act 445, Eff. Mar. 30, 1983

458.85 Church government; ecclesiastical polity.

Sec. 5.

Said church, when so organized, shall be subject in all matters of church government and ecclesiastical polity to the discipline, usages and ministerial appointments of the Free Methodist church of North America, as from time to time authorized and declared by the general conference of said church and the annual conference within whose bounds such corporation may be situated.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11007 ;-- CL 1929, 10892 ;-- CL 1948, 458.85

458.86 Secular affairs, management; board of trustees, election, term, vacancies.

Sec. 6.

The secular affairs of such church shall be managed by a board of trustees consisting of not less than 3 nor more than 9 members, to be elected by said corporation from the membership of the church, the said trustees to hold their office for the term of 1 year. Vacancies in said board may be filled at any time for the balance of the term, by an election as in other cases.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11008 ;-- CL 1929, 10893 ;-- CL 1948, 458.86

458.87 Powers of corporation; execution of legal documents; rights of ministers and district elders.

Sec. 7.

Said corporation may have a seal and alter the same at pleasure; it may, in its corporate name, sue and be sued in all courts and places; it shall have power to acquire, hold, sell and convey property, both real and personal, in accordance with this act, and it may recover and hold the debts, demands, rights, privileges, and all property, whether real or personal, of whatever sort it may be, belonging or appertaining to said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had originally been vested in said corporation.

The board of trustees may authorize certain of the officers of said board to affix the corporate name and seal of the corporation, and to execute and attest conveyances, notes, obligations, acquittances and all other legal documents.

It may sell (but not mortgage) or otherwise dispose of its personal property. And it may, under restrictions hereinafter provided, sell, mortgage, or otherwise dispose of or encumber its real estate, but not for current expenses. It may hold so much land as may be needful for the proper purposes of said church and its parsonages. It may also hold for a period not to exceed 10 years, real estate, which may be conveyed or devised to it or to said

trustees to be sold and the proceeds to be used in any way for the benefit of said church, as directed in the conveyance or will. Said corporation shall at all times permit such ministers belonging to the Free Methodist church as shall from time to time be duly authorized by the general conference of said church or by the annual conference, within whose bounds the said corporation may be, to preach and expound God's Holy Word therein; and shall permit pastors and district elders duly appointed to execute the discipline of said Free Methodist church, and to administer the sacraments therein.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11009 ;-- CL 1929, 10894 ;-- CL 1948, 458.87

458.88 Amendment of articles; procedure.

Sec. 8.

It shall be lawful for any church organized under the provisions of this act, by a 2/3 vote of the official members of the society, to alter or amend its articles of association in any manner not inconsistent with the provisions of this act, or the book of discipline of the Free Methodist church; and such alteration or amendment shall become operative when 2/3 of all the official members of the society shall execute amended articles and the said amended articles are acknowledged in the same manner as stated in section 3 of this act, and the district elder has affixed his certificate thereto, as provided in said section, and the same has been recorded or left for record, as provided in section 4 of this act.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11010 ;-- CL 1929, 10895 ;-- CL 1948, 458.88

458.89 Sale or mortgage of real estate to pay debts or for re-investment; title, passing to annual conference; license to sell; procedure.

Sec. 9.

When it shall become necessary for the payment of debts or with a view of re-investment, to make a sale or mortgage of any real estate belonging to said church, the members of the society, by a majority vote of the same, and the consent of the quarterly conference of the district in which the church is located, and with the approval of the district elder, may authorize a sale or mortgage of said real estate by the trustees of said church with such limitations and restrictions as the (district) quarterly conference may judge necessary and impose; and the trustees of said church, when so authorized, may sell and convey or mortgage said property, and with the proceeds of such sale or mortgage pay the debts of such corporation, or re-invest the said proceeds by the purchase or improvement of other property for the same uses and deeded to the corporation in the same manner as provided in section 7 of this act, as said trustees may be directed by the (district) quarterly conference: Provided, That in all cases the proceeds of such sale, after the payment of debts, if any, if not applied to the purchase or improvement of other property as aforesaid, shall be held, by such corporation, subject to the order of the annual conference within the bounds of which such church is located. In all cases where property belonging to any church incorporated under the provisions of this act has been abandoned and is no longer used for the purpose for which said property was acquired, or said corporation has dissolved, or has ceased to exist, the title to the said property belonging to said corporation shall pass to the annual conference within the bounds of which said property is located; and said annual conference may, by such officer or committee as said annual conference may designate for that purpose, apply to the circuit court in chancery, for the county in which such property may be, for license to sell the same; and such license may be granted by said court after such notice of said application as the court may direct; and thereupon said property may be sold, and the proceeds of such sale applied or used as said annual conference may direct.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11011 ;-- CL 1929, 10896 ;-- CL 1948, 458.89

458.90 Reincorporation under act; procedure.

Sec. 10.

Any Free Methodist church heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate, may by a 2/3 vote of the members of the society, place itself under the provisions of this act, the same as if originally incorporated under it, by 2/3 of the members of said society executing articles of association as provided in section 3 of this act, and the district elder affixing his certificate thereto, as provided in said section, and recording the same, as provided in section 4 of this act.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11012 ;-- CL 1929, 10897 ;-- CL 1948, 458.90

458.91 Construction of inconsistent acts.

Sec. 11.

In all proceedings or suits that may arise, or be brought in any of the courts of this state, touching, or in any way concerning, churches that may be incorporated under this act, or which by vote of the members of the society thereof may have placed themselves under its provisions, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated or placed thereunder.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11013 ;-- CL 1929, 10898 ;-- CL 1948, 458.91

458.92 Trustees; evidence of authority.

Sec. 12.

It is further provided that the execution by the acting trustees of said corporation, in proper form, of any deed, mortgage, note, bond, or other obligation or contract of said corporation, shall be prima facie evidence of the proper appointment of said trustees, and that the necessary steps have been taken to give them full authority to make such transaction.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11014 ;-- CL 1929, 10899 ;-- CL 1948, 458.92

458.93 Extension of corporate existence; adoption and filing of resolution; term; property and contract rights; corporate identity.

Sec. 13.

Any corporation organized under the provisions of this act whose corporate existence is about to expire by limitation, may extend its corporate existence from time to time for a term not exceeding 30 years, by causing to be filed with the corporation and securities bureau of the department of commerce, a copy of a resolution expressing a desire to so extend its corporate existence, which resolution shall be adopted by such corporation at a meeting called for the purpose by the pastor of the church or the district elder of the district within which said corporation is located. When such resolution is filed with the corporation and securities bureau of the department of commerce, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term not exceeding 30 years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

History: 1901, Act 29, Imd. Eff. Mar. 26, 1901 ;-- CL 1915, 11015 ;-- CL 1929, 10900 ;-- CL 1948, 458.93 ;-- Am. 1982, Act 445, Eff. Mar. 30, 1983

BAPTIST CHURCHES

Act 54 of 1899

AN ACT to provide for the incorporation of Baptist churches; and to impose certain duties upon the department of commerce.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- Am. 1982, Act 446, Eff. Mar. 30, 1983

The People of the State of Michigan enact:

458.101 Baptist church; adopting articles of incorporation; election of deacons or trustees; execution, acknowledgment, contents, and filing of certificate; corporation; name.

Sec. 1.

That whenever a Baptist church shall desire to possess corporate powers and privileges, the members thereof present at any regular church or covenant meeting duly called as hereinafter provided, may by the vote of a majority of the members of such church then present, adopt articles of incorporation in accordance with the provisions of this act, and may thereupon proceed under the provisions of this act to elect the deacons or other persons whom the church may desire to act as its trustees, in number not less than 3 nor more than 9, and it shall then be the duty of the deacons or other persons so elected as trustees for said church, to proceed to execute and acknowledge before any person authorized to take acknowledgment of deeds, a certificate which shall contain:

First, The corporate name of the church;

Second, The township, city or village, and county in which the church is located;

Third, The period for which the church is incorporated, which shall not exceed 30 years;

Fourth, A copy of the records of the vote or resolution of the church authorizing the preparation of the articles of association, as well as a like copy of the vote or resolutions of the church accepting or adopting such articles;

Fifth, A copy of the articles of association so adopted.

Such certificate shall be signed by the aforementioned deacons, or trustees, and when duly acknowledged by the signers thereof, shall be filed with the corporation and securities bureau of the department of commerce, and thereupon the deacons or trustees elected as herein provided, and their successors, together with the members of said church, shall become a corporation known by the name expressed in said certificate.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10942 ;-- CL 1929, 10901 ;-- CL 1948, 458.101 ;-- Am. 1982, Act 446, Eff. Mar. 30, 1983

458.102 Trustees; qualifications, election.

Sec. 2.

The deacons or other persons who shall serve the church as trustees under this act shall be citizens of the United States, 21 years of age or over when elected to office and shall be elected by ballot in accordance with the usage and custom of said church, or in such manner as may be provided in their articles of association.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10943 ;-- CL 1929, 10902 ;-- CL 1948, 458.102

458.103 Trustees; term of office.

Sec. 3.

The deacons or other persons who may be elected as trustees shall hold their office for such length of time, and upon such conditions as the church may designate in their articles of association.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10944 ;-- CL 1929, 10903 ;-- CL 1948, 458.103

458.104 Trustees; subject to control of church; purchase and sale of realty.

Sec. 4.

The trustees shall be subject, in all their official duties, to the control and direction of the church, and in case the church shall desire to buy, sell or lease real estate, then a notice declaring such desire and intention, which shall designate the property to be bought, sold or leased, shall be read at the regular church or covenant meeting next preceding the regular meeting, at which final action shall be taken authorizing such purchase, sale or lease; and after such authority shall have been so granted by the church, the trustees shall have full power to purchase, sell or lease such real estate upon such terms and conditions as shall not be inconsistent with the instructions given by the church.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10945 ;-- CL 1929, 10904 ;-- CL 1948, 458.104

458.105 Trustees; powers.

Sec. 5.

Such trustees may have a common seal, and may alter the same at pleasure; and they may take into their possession and custody all the temporalities of such church, whether the same shall consist of real or personal estate, and whether the same may have been given, granted or devised, directly or indirectly, to such church, or to any person or persons for their use.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10946 ;-- CL 1929, 10905 ;-- CL 1948, 458.105

458.106 Trustees; corporate powers; taxation.

Sec. 6.

Such trustees may also, in their corporate name, sue and be sued in all courts and places; and they may recover and hold all the debts, demands, rights and privileges due to any church or churches for which they shall be trustees, together with all buildings, burying places, and all the estate and appurtenances belonging to such church or churches in whatsoever manner the same may have been acquired or in whose hands soever the same may be held, as fully as if the right and title thereto had been originally vested in said trustees. And they may hold in perpetuity, lease, sell or construct buildings upon such lands as may be lawfully acquired in the corporate name of such church or churches, or in the name of the trustees acting on behalf of such church or churches, the income from such property, if any, to be used exclusively for church finances. Any land so held by such church or churches, either in the corporate name of any such church or churches or in the name of the trustees on behalf of such church,

which is used for purposes other than places of worship, schools, cemeteries, parsonages or other purposes connected directly with the object of such church as a house of worship, shall be subject to taxation the same as property which may be held by private individuals or corporate bodies organized for profit; and the title to any such property which shall be used for any purpose other than a place of worship, a school, a parsonage or a cemetery and the appurtenances thereto, and from which a profit shall be derived, shall not be held for a longer period than 15 years from the date when such church or the trustees thereof acquired such title.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10947 ;-- Am. 1917, Act 274, Eff. Aug. 10, 1917 ;-- CL 1929, 10906 ;-- CL 1948, 458.106

458.107 Trustees; election in certain case; dissolution, convention legal successor.

Sec. 7.

If it shall happen that any church organized under the provisions of this act shall, from any cause, be found at any time without trustees, such church shall not for that cause lose its corporate existence, but such church may at any time proceed to elect trustees, as provided in this act: Provided, That whenever any corporation organized under the provisions of this act shall be dissolved by the death of all its members, or by the loss of so many of them that it is thereby rendered unable to do any corporate act or to restore itself by proceeding to elect trustees, as provided in this act, the Baptist convention of the state of Michigan, a corporation organized and existing under an act of the legislature of the state of Michigan, entitled "An act to incorporate the Baptist convention of the state of Michigan," approved February sixteenth, A.D. 1842, and the statutes amendatory thereto, shall be held and deemed to be the legal successor of such corporation and shall succeed to, and be vested with, all property rights which were in such corporation at the time it was dissolved.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10948 ;-- CL 1929, 10907 ;-- CL 1948, 458.107

458.108 Reincorporation under act; procedure.

Sec. 8.

Any Baptist church or any Baptist church and society incorporated or organized under the laws of this state, may elect to dissolve their existing corporation and take corporate powers under this act: Provided, The consent of the majority of the members of said church or church and society who may be present at such meeting can be obtained at any regular church or covenant meeting of the church: Provided also, That notice shall be given to said church or church and society to meet with the church at its regular church or covenant meeting for the purpose of dissolving said corporation with a view of organizing under the provisions of this act, said notice to be given on the last 2 Sundays preceding the day on which the act of dissolution shall be taken.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10949 ;-- CL 1929, 10908 ;-- CL 1948, 458.108

458.109 Certificate of dissolution; execution; acknowledgment; recording; powers, privileges, duties, trusts, and obligations of new organization.

Sec. 9.

If such consent for dissolving such corporation for the purposes as above mentioned shall be so obtained, then a certificate containing an account of such dissolution shall be executed and acknowledged by the presiding officer and secretary of said meeting, and be recorded in the corporation and securities bureau of the department of commerce, and on compliance with the provisions of this act all the property, powers, privileges, duties, trusts, and

obligations of every kind possessed by or pertaining to the original corporation thus dissolved shall pass to and be possessed by the new organization.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10950 ;-- CL 1929, 10909 ;-- CL 1948, 458.109 ;-- Am. 1982, Act 446, Eff. Mar. 30, 1983

458.110 Amendment of articles; procedure.

Sec. 10.

At any time after such church shall have become duly organized under this act, it shall be lawful for any such church, at any regular meeting thereof, of which proper notice shall have been given, as hereinafter provided, by a vote of 2/3 of the members present at such meeting, to amend its articles of association in any manner not inconsistent with the provisions of this act, and such amendments shall become operative on filing a copy of the same, certified by the moderator or chairman and clerk of such meeting, and duly acknowledged by an officer authorized to take acknowledgment of deeds, with the corporation and securities bureau of the department of commerce.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10951 ;-- CL 1929, 10910 ;-- CL 1948, 458.110 ;-- Am. 1982, Act 446, Eff. Mar. 30, 1983

458.111 Amendment of articles.

Sec. 11.

Whenever it shall be purposed to alter or amend the articles of association of any church organized under this act, such alteration or amendment shall not be adopted until the expiration of at least 3 weeks from the day of the meeting on which the same shall have been first introduced before the church, and such proposed alteration or amendment shall be reduced to writing, when it shall be introduced, and shall not be amended on the same day on which it shall be adopted.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10952 ;-- CL 1929, 10911 ;-- CL 1948, 458.111

458.112 Construction of inconsistent acts.

Sec. 12.

In all cases which may arise in any of the courts of this state in connection with any church which may be incorporated under this act, and in all suits in law or equity to which any such church may be a party, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such a manner as to give full force to all the rights and privileges hereby granted or intended to be granted.

History: 1899, Act 54, Imd. Eff. May 2, 1899 ;-- CL 1915, 10953 ;-- CL 1929, 10912 ;-- CL 1948, 458.112

BAPTIST CONVENTION

Act 42 of 1842

AN ACT to incorporate the Baptist Convention of the state of Michigan. Whereas, certain persons have associated themselves together, under the name of "the Baptist Convention of the state of Michigan," for the purpose of disseminating the gospel, aiding home and foreign missions, promoting ministerial education, Sabbath school instruction, and the circulation of religious tracts, Therefore,

History: 1842, Act 42, Eff. Mar. 19, 1842

Be it enacted by the Senate and House of Representatives of the State of Michigan:

458.151 Baptist convention; incorporation, objects.

Sec. 1.

That said association of which John Booth is president, and W. Taylor, R. Powell, J. I. Fulton, J. Hall, C. H. Swain, S. Goodman, J. O. Beardsall, M. Allen, J. S. Twiss, J. Knapp, J. Harris, D. B. Brown, E. Weaver and J. Michell are vice presidents; and R. C. Smith, treasurer; and D. B. Brown, auditor; and M. Sanford, secretary; and M. Pearsall, D. Barrett, N. G. Chase, C. L. Bacon, R. B. Rexford, W. S. Gregory, S. Chase, A. Wattles, J. Tenny, L. Moore, T. W. Merrill, M. B. Savage, A. Piper, T. Z. R. Jones, W. G. Wisner, E. Hodge, G. B. Day, W. B. Brown, A. Ten Broek, F. Darrow, D. Hendee, E. Comstock, C. B. Taylor, C. Eldred, C. P. Jacobs, R. Tiffany, E. H. Hamlin, H. D. Buttolph, L. H. Moore and B. G. Lewis, directors, is hereby constituted a body corporate by the name of the Michigan Baptist Convention. The object of this convention shall be:

First. To promote the preaching of the gospel and the establishment and maintenance of Baptist churches and Sunday schools within the state of Michigan.

Second. To encourage the educational interests of the denomination within the state.

Third. The disseminating of the gospel, aiding home and foreign missions, promoting ministerial education, Sabbath school instruction, and the circulation of religious tracts.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- Am. 1905, Act 60, Imd. Eff. Apr. 19, 1905 ;-- CL 1929, 10913 ;-- CL 1948, 458.151

458.152 Membership.

Sec. 2.

All persons now members of said association, and every person who shall hereafter pay 1 dollar or more to the treasurer of the corporation and request to become a member thereof, shall be and continue members of the corporation so long as they shall continue to pay annually 1 dollar or more to the treasurer of the corporation, and no longer, and all persons who are life members of said association, and every person who shall hereafter pay at any 1 time, to the treasurer of the corporation, 10 dollars or more, and request to become a life member of the corporation, shall be life members of said corporation.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- CL 1929, 10914 ;-- CL 1948, 458.152

458.153 First meeting, calling; annual meeting.

Sec. 3.

There shall be a meeting of the members of said corporation once in each year, for the purpose of transacting business, at such time and place as may be designated at a previous meeting. The first meeting under this act of incorporation shall be at Jonesville, on the first Wednesday in October next. Should anything prevent a meeting at

that time, or at any other time, to be designated as above provided, it shall be the duty of the president, or in case of his absence, death or refusal, of any other officer or director, on the written request of a majority of the board of directors, to call a meeting of the members of said incorporation, at any time within 6 months thereafter, by giving 2 months notice of the time and place of such meeting in some newspaper published in this state.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- CL 1929, 10915 ;-- CL 1948, 458.153

458.154 First meeting; election of officers and directors; terms of office; board of managers; powers of convention.

Sec. 4.

At such meeting there shall be elected by ballot a president, 1 or more vice presidents, a secretary, a treasurer, an auditor and 30 directors. All of these shall be members of Baptist churches, and these shall constitute a board of managers for the transaction of all such business of the corporation as shall be entrusted to them for that purpose by the by-laws, rules and regulations made, or any resolution passed at any annual meeting of the members of the corporation, who shall have power from time to time to make all necessary by-laws, rules and regulations, and pass all necessary resolutions for that purpose, and to repeal, alter, or amend the same at pleasure, and to require security by bond or otherwise from any or all of said officers for the faithful performance of their duties. The president, vice-president, treasurer, auditor, secretary and directors, hereinbefore named, shall continue to hold their respective offices until the next meeting of the members of the corporation as hereinbefore provided, and until their successors are elected.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- Am. 1905, Act 60, Imd. Eff. Apr. 19, 1905 ;-- CL 1929, 10916 ;-- CL 1948, 458.154

458.155 Powers of corporation; legal successor to certain dissolved corporations.

Sec. 5.

Such corporation may, by its corporate name, aforesaid, receive donations in money, and may take and hold real estate and personal property by gift, grant, devise, bequest or otherwise, and sell and dispose of the same and use the proceeds thereof for the purpose of disseminating the gospel by multiplying and circulating copies of the holy scriptures, publishing a religious newspaper or periodical, aiding state, home and foreign missions, promoting christian and ministerial education, Sabbath school instruction, and the circulation of religious tracts, and may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a common seal which they may alter or renew at pleasure. That whenever any corporation heretofore organized or hereafter to be organized under the provisions of chapter 175 of Howell's annotated statutes, or under or by virtue of Act No. 54 of the Public Acts of 1899, entitled "An act to provide for the incorporation of Baptist churches," shall be dissolved either by the death of all its members, or by the loss of so many of them, that it is thereby rendered unable to do any corporate act, or restore itself by proceeding to elect trustees as provided in said act, this corporation shall be held and deemed to be the legal successor of such corporation, and shall succeed to and be vested with all the property rights which were in such corporation at the time it was dissolved. And that whenever the board of managers of this corporation shall have reason to believe that any corporation organized under the provisions of said chapter 175, or said Act No. 54 of the Public Acts of 1899 shall have become dissolved in the manner above specified, such executive board shall be authorized to file a petition, as near as may be, according to the provisions of sections 1 to 8 of chapter 300 of the Revised Statutes of 1897, for a decree determining the dissolution of such corporation; that thereupon proceedings shall be had under such petition, as near as may be in accordance with sections 1 to 8 of the last said chapter. And upon the coming in of the report of the matter if it shall appear that such corporation has been so dissolved, a decree shall be entered declaring and adjudging such corporation to have been dissolved, and decreeing the said Baptist Convention of the state of Michigan to be the legal successor of such corporation, and to have succeeded to and be vested with all the property rights which were in such corporation at the time it was dissolved, which decree when made may be recorded and have the same force and effect as is provided in section 465 of the compiled laws of 1897.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- Am. 1893, Act 72, Eff. Aug. 28, 1893 ;-- Am. 1905, Act 60, Imd. Eff. Apr. 19, 1905 ;-- CL 1929, 10917 ;-- CL 1948, 458.155

Compiler's Notes: Chapter 175, referred to in this section, consisted of Act 225 of 1897, which was repealed by Act 209 of 1897. For provisions of Act 54 of 1899, referred to in this section, see MCL 458.101 et seq. Sections 1 to 8 of chapter 300, and section 465 of the compiled laws of 1897, referred to in this section, were superseded by Act 314 of 1915, which was subsequently repealed by Act 236 of 1961.

458.156 Donations; use.

Sec. 6.

All money or property given to the corporation, for any 1 of the objects specified in the last preceding section, to be designated by the donor, shall be used by the corporation for that object and no other; and all moneys or property given to the corporation generally, and without the donors specifying the particular object to which it shall be applied, may be used to promote any 1 or more of the objects named in said section.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- CL 1929, 10918 ;-- CL 1948, 458.156

458.157 Members; powers at any meeting.

Sec. 7.

The members of the corporation shall have power at any meeting held, as aforesaid, to provide by their by-laws that any number of persons associated together for any of the purposes mentioned in this act of incorporation may, as auxiliary societies, be represented by their delegates at all meetings of the members of this corporation, and that such delegates may be entitled to vote at such meetings and for that purpose be considered as members of the corporation, and that any such society or any individual who shall pay 50 dollars or more annually, to said corporation shall have the right to appoint a member of the board of managers hereinbefore mentioned, the members of which may be increased for that purpose, and they may also provide by their by-laws what number of members of the board of managers shall constitute a quorum for the transaction of business and also to provide for an executive committee of said board of managers for the transaction of such business of said corporation as shall be, by said by-laws, entrusted to said executive committee.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- Am. 1905, Act 60, Imd. Eff. Apr. 19, 1905 ;-- CL 1929, 10919 ;-- CL 1948, 458.157

458.158 By-laws and rules.

Sec. 8.

All by-laws, rules and regulations now in existence of the society and not inconsistent with this act of incorporation, shall continue to be the by-laws, rules and regulations of the corporation, until annulled or superseded by some other by-law, rule or regulation of the corporation.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- CL 1929, 10920 ;-- CL 1948, 458.158

458.159 Repeal of act.

Sec. 9.

This act may be repealed at any time by the legislature.

History: 1842, Act 42, Eff. Mar. 19, 1842 ;-- CL 1929, 10921 ;-- CL 1948, 458.159

DISSOLUTION OF BAPTIST ECCLESIASTICAL SOCIETIES

Act 32 of 1929

AN ACT to provide for the voluntary dissolution of ecclesiastical societies auxiliary to Baptist churches and for the disposition of their property.

History: 1929, Act 32, Imd. Eff. Apr. 4, 1929

The People of the State of Michigan enact:

458.171 Meeting of incorporated society; calling.

Sec. 1.

Whenever any Baptist church in connection with which there is an incorporated religious or ecclesiastical society organized in accordance with the laws of the territory or state of Michigan, at any regular or called meeting, shall express by ballot and by 2/3 vote of its qualified members present and voting a desire to assume said corporate powers and the direction and control of its property and secular affairs, the trustees of said society upon receiving official notification of the vote of said church shall forthwith call a meeting of said society of which meeting notice shall be given on 3 successive Sundays next preceding the date of said meeting, specifying the time, place and object thereof to consider and vote upon the questions stated in section 2 hereof.

History: 1929, Act 32, Imd. Eff. Apr. 4, 1929 ;-- CL 1929, 10922 ;-- CL 1948, 458.171

458.172 Meeting of incorporated society; question put to vote; dissolution of society; property, passing to incorporated church.

Sec. 2.

At the meeting so called the following question shall be put to vote:

"Shall the title to all the property of the (name of society) be vested in the BAPTIST CHURCH of Michigan and the said society be dissolved?"

The vote shall be by ballot and if 2/3 of the ballots cast shall be in the affirmative a duly certified copy of such resolution shall be transmitted to the clerk of said church who shall call a meeting of said church which shall then prepare, execute and place on record articles of association under and in accordance with the provisions of Act No. 54 of the Public Acts of 1899, and the amendments thereto, or such other act of the state of Michigan as may authorize the incorporation of churches and upon recording of said articles of association as provided in said act the said society shall be dissolved and all property owned by it shall pass to and be held by the said church so incorporated under the name and style adopted by it in the said articles of association and all liabilities of said society shall be assumed and paid by said church.

History: 1929, Act 32, Imd. Eff. Apr. 4, 1929 ;-- CL 1929, 10923 ;-- CL 1948, 458.172

Compiler's Notes: For provisions of Act 54 of 1899, referred to in this section, see MCL 458.101 et seq.

UNITED PRESBYTERIAN CHURCHES

Act 265 of 1909

AN ACT to provide for the incorporation and reincorporation of Presbyterian churches; and to impose certain duties upon the department of commerce.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- Am. 1917, Act 64, Eff. Aug. 10, 1917 ;-- Am. 1976, Act 274, Imd. Eff. Oct. 14, 1976 ;-- Am. 1982, Act 99, Imd. Eff. Apr. 19, 1982 ;-- Am. 1984, Act 39, Imd. Eff. Mar. 26, 1984

The People of the State of Michigan enact:

458.201 Presbyterian church (USA); articles of association; notice; adoption; board of trustees.

Sec. 1.

When a church worshiping according to the faith and polity of the Presbyterian Church (USA) shall desire to possess corporate powers, the members of the church present at a regular meeting of the church, notice of the proposed action having been given at 2 previous regular meetings, the first meeting being held at least 2 weeks previous to the regular meeting, may, by vote of a majority of the members then present, adopt articles of association in accordance with this act, and may then proceed under the articles to elect not less than 3 persons, a majority of whom shall be members of the church, to act as the first board of trustees of the corporate body.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11087 ;-- CL 1929, 10924 ;-- CL 1948, 458.201 ;-- Am. 1960, Act 70, Eff. Aug. 17, 1960 ;-- Am. 1976, Act 274, Imd. Eff. Oct. 14, 1976 ;-- Am. 1984, Act 39, Imd. Eff. Mar. 26, 1984

458.202 Certificate; execution, contents.

Sec. 2.

It shall be the duty of the persons so chosen as such trustees to proceed to execute in duplicate, and acknowledge before any person authorized to take acknowledgment of deeds, a certificate which shall contain:

First, A copy of the records showing the proceedings and vote on the resolution accepting and adopting such articles of association;

Second, A copy of the articles of association so adopted, which shall give the name of the corporation; the name of the township, village or city, and of the county in which it is located; a statement of the purpose of the incorporation; the period for which it is incorporated; and it may contain such other provisions as may be desired and as are appropriate and in accordance with law.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11088 ;-- CL 1929, 10925 ;-- CL 1948, 458.202

458.203 Certificate; signatures; acknowledgment; filing copy with department of commerce; trustees, successors, and members as body corporate; form of certificate.

Sec. 3.

The certificate shall be signed by the persons chosen as trustees, duly acknowledged by the signers of the

certificate, and 1 copy of the duplicate certificate shall be filed with the corporation and securities bureau of the department of commerce. Thereafter the trustees and their successors, together with the members of the church, and those who may later become members, shall be a body corporate by the name given in the certificate, which certificate may be in the following form:

We, the persons whose names are subscribed to this certificate, are the persons elected by the members of Presbyterian church of to act as the first board of trustees of a corporation to be organized out of the membership of the church under Act No. 265 of the Public Acts of 1909.

Pursuant to the provisions of that act we do hereby certify that the members of the church did, on the day of , 19..... , at a meeting then held pursuant to notice of the proposed action given at 2 previous regular meetings, the first of which was held on the day of , 19..... , adopt the articles of association hereinafter set forth at length, as appears by the record of the action, a copy of which is as follows:

A meeting of the Presbyterian church was held this day of , 19..... , at in the of in the county of , in the state of Michigan, pursuant to notice given at a regular meeting of this church on the day of , 19..... , and again at another regular meeting of this church held on the day of , 19..... . At this meeting articles of association were presented with a view to the organization of a corporation as an auxiliary to this church. The articles of association were, by a majority vote of the members of this church then present, adopted in the form following:

Articles of association of the Presbyterian church of

The members of Presbyterian church of , desiring to become incorporated under Act No. 265 of the Public Acts of 1909, entitled, as amended, "An act to provide for the incorporation of Presbyterian churches; and to impose certain duties upon the department of commerce," do hereby adopt the following articles of association:

First, The name assumed by this corporation and by which it shall be known in law is Presbyterian church of

Second, The location of the church shall be in the of in the county of in the state of Michigan;

Third, The purpose of this incorporation is to create a body which may, in accord with the form of government, discipline, rules and usages of the Presbyterian Church (USA), and subject to the civil law, manage and control the property and secular affairs of the church aforesaid;

Fourth, The trustees of this corporation shall be in number. At the first election of trustees under these articles, trustees shall be elected for a term of 1 year, trustees shall be elected for a term of 2 years, and trustees shall be elected for a term of 3 years, such terms to begin at the date of the annual meeting of such corporation. At each subsequent annual meeting persons shall be elected to succeed those trustees whose terms of office then expire and to fill the vacancies in the office of trustees as may then exist, the trustees to be chosen by ballot;

Fifth, The annual meeting of this corporation shall be held on the in each year for the election of trustees and for the transaction of other business as may properly come before it.

At the meeting so held and were elected as the first board of trustees of the corporation so to be formed, by a majority vote of the members of the church. Of these persons a majority in number are members of the church. They were directed to make the certificate provided for in section 2 of Act No. 265 of the Public Acts of 1909, properly sign and acknowledge the same and cause the same to be properly recorded.

In witness whereof we, the said trustees, for the purpose of complying with the provisions of the act aforesaid, hereunto sign our names.

Done at the of , county of and state of Michigan this day of , A.D. 19....

(Signatures.) (Residences.)

State of Michigan,

County of

On this day of , A.D. 19..... , before me, a , in and for said county, personally appeared , known to me to be the persons named in, and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

.....
.....

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11089 ;-- CL 1929, 10926 ;-- CL 1948, 458.203 ;-- Am. 1976, Act 274, Imd. Eff. Oct. 14, 1976 ;-- Am. 1982, Act 99, Imd. Eff. Apr. 19, 1982 ;-- Am. 1984, Act 39, Imd. Eff. Mar. 26, 1984

458.204 Property rights of corporation; government.

Sec. 4.

The corporation shall succeed to all the property rights of the church out of which it is incorporated and, subject to the civil law, shall be governed by the form of government, discipline, rules, and usages of the Presbyterian Church (USA), as promulgated by the general assembly of said church and the presbytery within whose jurisdiction the corporation may be located.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11090 ;-- CL 1929, 10927 ;-- CL 1948, 458.204 ;-- Am. 1960, Act 70, Eff. Aug. 17, 1960 ;-- Am. 1984, Act 39, Imd. Eff. Mar. 26, 1984

458.205 Powers of corporation.

Sec. 5.

Such corporation may have a seal and alter the same at will; it may, in its corporate name, sue and be sued in all the courts of this state; it shall have power to acquire, hold, sell and convey property, both real and personal, in accordance with this act; it may hold and recover all debts, demands, rights, privileges, and all property, real or personal, of whatsoever nature it may be, belonging or appertaining to said church, out of which, and as auxiliary to which, it is incorporated, in whatsoever manner the same may have been acquired and in whosoever hands the same may be held, the same as if the right and title to the same had originally been vested in said corporation; it may hold so much real property as may be needed for the purposes of church building and a manse or parsonage; it may also hold for a period not exceeding 10 years, such real estate as may be conveyed or devised to it, even though the same may not be needed for a church building or a parsonage, the proceeds from the same when sold to be used for said church purposes as may be determined upon.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11091 ;-- CL 1929, 10928 ;-- CL 1948, 458.205

458.206 Trustees; qualifications; election; term.

Sec. 6.

The trustees aforesaid, and as well their successors in office, shall be adult citizens of the United States, shall be chosen by ballot, or as provided in the articles of association, and shall hold office for a length of time, and upon conditions, as shall be provided in the articles.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11092 ;-- CL 1929, 10929 ;-- CL 1948, 458.206 ;-- Am. 1976, Act 274, Imd. Eff. Oct. 14, 1976

458.207 Trustees; powers; disposal of realty.

Sec. 7.

The secular affairs of said church shall, subject to the control of the general corporate body, be managed by such board of trustees. It shall have power to purchase, build, repair, lease, sell, rent, mortgage, encumber or otherwise dispose of property: Provided, That before it shall sell, mortgage or otherwise encumber or dispose of real property

the consent of the corporation shall be given by an affirmative vote of at least 2/3 of all members present at a public meeting, who are entitled to vote for trustees under this act, of which meeting 10 days' notice at least shall be given, stating the time, place and object thereof.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11093 ;-- CL 1929, 10930 ;-- CL 1948, 458.207

458.208 Trustees; temporary vacancies.

Sec. 8.

If it shall happen that an organization incorporated under this act shall be temporarily without officers, such corporations shall not for that reason be dissolved, but such corporation may proceed to elect trustees as provided in this act and the articles of association.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11094 ;-- CL 1929, 10931 ;-- CL 1948, 458.208

458.209 Title; passing to presbytery; sale of property; dissolution of corporation.

Sec. 9.

In all cases where property belonging to any organization incorporated under the provisions of this act, has been abandoned, or is no longer used for the purpose for which said property was acquired, or for the benefit of a church society, and has not been conveyed by said corporation under the provisions of this act, or if said corporation has been dissolved or become extinct, the title of said property shall pass to the presbytery within the bounds of which the said corporation is situated and said presbytery may by such officer or committee as said presbytery may designate for that purpose, apply to the circuit court for the county in which said property may be, for license to sell the same, and such license shall be granted by said court, after such notice of said application, as said court may direct, has been given, and thereupon said property may be sold, and the proceeds of said sale disposed of as directed by said presbytery; and said court upon hearing of said application, may dissolve said corporation when it shall appear by proof that such society has ceased to support a pastor or performed the usual functions of a church for a period of 2 years.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11095 ;-- CL 1929, 10932 ;-- CL 1948, 458.209

458.211 Amendment of articles; procedure.

Sec. 11.

Any church society incorporated under the provisions of this act, at a meeting called for that purpose of which 4 weeks' notice has been given by announcement at regular services, by a vote of 2/3 of all the qualified members present and voting, may amend its articles of association in any way not inconsistent with the provisions of this act, or the form of government of the Presbyterian Church (USA); and such amendment shall become operative when a certificate such as is provided for in sections 2 and 3 shall be executed and acknowledged by the trustees of the corporation and the same duly recorded as therein provided, showing such action and containing a copy of the amended articles.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11096 ;-- CL 1929, 10933 ;-- CL 1948, 458.211 ;-- Am. 1960, Act 70, Eff. Aug. 17, 1960 ;-- Am. 1984, Act 39, Imd. Eff. Mar. 26, 1984

458.212 Reincorporation under act; procedure.

Sec. 12.

Any Presbyterian church society heretofore incorporated, or whose corporate term of existence has heretofore expired by limitation, or the trustees of which have heretofore exercised the powers of a body corporate, may, by a 2/3 vote of its qualified members, present and voting, expressed at a meeting called as provided in section 11 hereof, place itself under the provisions of this act the same as if originally incorporated under it, and by executing articles of association as provided in section 11 in case of amendment, and causing the same to be recorded as is further required in case of such amendment.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11097 ;-- Am. 1917, Act 64, Eff. Aug. 10, 1917 ;-- CL 1929, 10934 ;-- CL 1948, 458.212

458.213 Trustees; evidence of authority.

Sec. 13.

It is further provided that the execution by the trustees of said corporation of any deed, note, mortgage, bond or other obligation, or contract of said corporation, in proper form, shall be prima facie evidence of the proper appointment of said trustee, and that such act has been properly authorized by the corporation as hereinbefore provided.

History: 1909, Act 265, Eff. Sept. 1, 1909 ;-- CL 1915, 11098 ;-- CL 1929, 10935 ;-- CL 1948, 458.213

PROTESTANT EPISCOPAL CHURCHES

Act 40 of 1899

AN ACT to revise the laws providing for the incorporation of Protestant Episcopal churches; and to impose certain duties upon the department of commerce.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- Am. 1982, Act 472, Eff. Mar. 30, 1983

The People of the State of Michigan enact:

458.251 Protestant Episcopal church; incorporation, procedure; body corporate.

Sec. 1.

It shall be lawful for any 6 or more persons, professing attachment to the Protestant Episcopal church, to execute and acknowledge, before any person authorized to take acknowledgments of deeds, 1 or more duplicate articles of agreement, in writing, whereby they shall agree to organize a church according to the usages of the Protestant Episcopal church, by the name and style set forth in such articles; and upon the execution and acknowledgment and filing thereof, as herein provided, such church shall become a body politic and corporate, by the name set forth in said articles, in accordance with the constitution, canons, doctrine, discipline and worship of the Protestant Episcopal church.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10928 ;-- CL 1929, 10936 ;-- CL 1948, 458.251

458.252 Protestant Episcopal church; articles, contents; name; location; vestry members.

Sec. 2.

The articles shall contain:

First, The name of the proposed church;

Second, The township or city and county in which it is located;

Third, The number of vestry members, not less than 6 nor more than 15, who shall have charge of the temporal affairs of such church, and the time of the annual meeting, which shall be during the first 2 weeks of January, and no church shall be incorporated, in any township or city, bearing the same name as any other Protestant Episcopal church theretofore organized therein.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10929 ;-- Am. 1917, Act 62, Eff. Aug. 10, 1917 ;-- CL 1929, 10937 ;-- CL 1948, 458.252 ;-- Am. 1954, Act 23, Eff. Aug. 13, 1954 ;-- Am. 1957, Act 136, Imd. Eff. May 28, 1957

458.253 Filing articles; acquisition of title to property.

Sec. 3.

Such articles of agreement, when duly signed and acknowledged, shall be filed with the corporation and securities bureau of the department of commerce; and it shall not be lawful for such church to acquire the title to any property until such articles are so filed.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10930 ;-- CL 1929, 10938 ;-- CL 1948, 458.253 ;-- Am. 1982, Act 472, Eff. Mar. 30, 1983

458.254 First meeting; calling, notice; right to vote; election of vestry members.

Sec. 4.

Any 3 or more persons who have signed any such articles may call the first meeting of such church, at such time and place as they may see fit, by publishing a notice for 10 days previous to the time of such meeting in some newspaper published in the city or township in which such church is located; and if no newspaper is published therein, then such notice may be given by posting the same in 3 of the most public places in such city or township; and at such meeting the affidavit of such posting or publishing shall be produced and recorded in the minutes. At such meeting, in addition to the signers of such articles, any other persons who may be authorized by the laws of the church to take part in the incorporation of parishes shall be entitled to vote, who shall sign a declaration in writing, to be kept in the book of minutes, whereby he or she shall signify an intention of becoming attached to said church, and accepting the terms of such articles. Vestry members of the church shall be elected at said meeting or any adjournment thereof.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10931 ;-- CL 1929, 10939 ;-- CL 1948, 458.254 ;-- Am. 1957, Act 136, Imd. Eff. May 28, 1957

458.255 Subsequent meetings; right to vote; annual and special meetings, notice; election of vestry

members, classification; rector to preside; records.

Sec. 5.

At all subsequent meetings, the right to vote shall be confined to such persons as shall be authorized by the laws of the church to vote at parish meetings. The annual meeting shall take place during the month of January. Public notice shall be given of the time and place of holding such meetings, on 2 Sundays immediately preceding such meeting, by the rector, and in his absence, by either of the wardens at the regular service on such days. In case service shall not be held, notice shall be given either by publishing or posting, as the vestry shall direct, written or printed notices thereof, signed by the rector, or in case there is no rector, by the secretary of the vestry at least 1 week prior to such meeting. Special meetings of the parish may be called by the vestry, and a like notice shall be given of any such special meeting as is required for an annual meeting, and the object of such special meeting shall be stated. At the annual meeting, an election of vestry members shall be held to serve until the next annual meeting, but at such annual meeting it shall be lawful, at the option of said meeting, to classify the vestry members in 3 equal classes, as near as may be, 1 of which classes shall hold their offices for 1 year, 1 for 2 years, and 1 for 3 years, and at all subsequent meetings vestry members shall be elected for 3 years to fill the places made vacant by the class whose term of office shall expire at the time. Any diocese may by canon provide that in case any parish shall adopt the term of 3 years, then no vestry member so elected shall be eligible for reelection until the next annual parish meeting following the expiration of his term of office. Any church desiring to discontinue such classification may do so, and thereafter vestry members shall be elected for 1 year to fill the places made vacant by the class whose term of office shall expire at the time of election. The vestry members shall be elected by ballot and shall serve until their successors shall be chosen. The wardens, when present, shall be the judges of the election, and shall permit no person to vote unless qualified as aforesaid; and they shall canvass and declare the result, and a majority of all the votes cast shall be necessary to elect. In case of the absence of the wardens, or either of them, members of the vestry shall be appointed to act as such judges in the place of the absent warden or wardens. The rector, when present, shall preside at all meetings of the parish. A full and complete record of the proceedings of all such meetings shall be kept by the secretary of the vestry.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10932 ;-- Am. 1917, Act 62, Eff. Aug. 10, 1917 ;-- Am. 1923, Act 87, Eff. Aug. 30, 1923 ;-- CL 1929, 10940 ;-- CL 1948, 458.255 ;-- Am. 1957, Act 136, Imd. Eff. May 28, 1957 ;-- Am. 1965, Act 157, Imd. Eff. July 12, 1965

458.256 Wardens; secretary, treasurer; meetings of vestry, presiding officer, quorum, vacancy.

Sec. 6.

The vestry members shall annually choose by ballot from their own body 2 members, who shall be communicants, to be wardens. They shall also appoint a secretary and a treasurer, who may be members of their own body, and they may employ such other agents and servants as may be required. Meetings of the vestry may be called by the rector of the church by giving due notice thereof at any regular service on Sunday, or they may be called by serving upon the rector and upon all members of the vestry a notice in writing, signed by the rector, either warden or any 2 vestry members. A majority of the vestry members elected shall constitute a quorum for the transaction of business. The rector, when present, shall preside at all vestry meetings, but shall have no vote except in case of a tie; and in his absence from the meeting, 1 of the wardens, if present, shall preside. All vacancies in such vestry may be filled by the remaining vestry members at any meeting, and the persons so elected shall hold office for the same period as their predecessors would have held.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10933 ;-- CL 1929, 10941 ;-- CL 1948, 458.256 ;-- Am. 1957, Act 136, Imd. Eff. May 28, 1957

458.257 Powers of vestry; owner of pew or slip.

Sec. 7.

The vestry shall have the care and management of all the temporal affairs of such church, and they shall have

authority, in the corporate name, to lease or to purchase and hold such real estate as shall be reasonably necessary for a church building, chapel, parish house, lecture and school rooms, and for dwellings for the ministers thereof; but it shall not be lawful for such corporation to hold or use any real estate for any other purpose for a longer period than 10 years. The said vestry shall also have power to alienate or encumber any of the property of said corporation, but they shall not have power or authority to alienate or encumber any real estate purchased or held for any of the purposes above enumerated, without being first authorized to do so by a vote of the congregation of the parish, at the annual meeting or at a special meeting called for such purpose, and no other person shall vote at such special meeting except those qualified to vote at the annual meeting; nor shall it be lawful to encumber or alienate any such property without the previous consent of the bishop, acting with the advice and consent of the standing committee of the diocese in which such property is situated. Said vestry shall have authority to erect, alter, repair, enlarge, take down or remove and rebuild any church or other building belonging to such corporation, provided such vestry shall first have obtained from the parish authority so to do, in the manner hereinbefore provided for alienating or encumbering the property thereof. No owner of any pew or slip in such church shall be held to be the owner of any interest in the land whereon the same is erected.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10934 ;-- CL 1929, 10942 ;-- CL 1948, 458.257

458.258 Record of proceedings; inspection, evidence.

Sec. 8.

The vestry shall keep a record of their proceedings, which, together with a record of the meetings of the congregation of the parish, shall, at all times, be open to the inspection of any officer of the parish, and of all persons qualified to vote at the annual meeting of such church. Such records shall be prima facie evidence of the facts therein stated.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10935 ;-- CL 1929, 10943 ;-- CL 1948, 458.258

458.259 Reorganization and extension of corporate life; procedure.

Sec. 9.

Any Protestant Episcopal church whose corporate term of existence has expired, or may be about to expire, or may hereafter expire, by limitation, may be reorganized under this act, so as to become subject to the provisions thereof, whenever the wardens and vestry members, de jure or de facto, shall execute and file articles of agreement as provided in this act. Said wardens and vestry members, de jure or de facto, are hereby authorized by their names of office to make, sign, acknowledge, execute and file 1 or more duplicate articles of agreement, as provided in sections 1, 2 and 3 of this act, which articles shall, in addition to the requisites in said last mentioned sections named, set forth that they are executed for the purpose of reorganizing said corporation according to the provisions of this act, and such articles shall be deemed sufficient when so executed and filed, although the number of signers shall be less than 6, if they shall constitute the majority of such wardens and vestry members, de jure or de facto. Upon the execution and filing of said articles such corporation shall, without further action, be deemed to all intents and purposes reorganized, and the corporate identity of such corporations shall continue unchanged.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10936 ;-- CL 1929, 10944 ;-- CL 1948, 458.259 ;-- Am. 1957, Act 136, Imd. Eff. May 28, 1957

458.260 Amendment of articles; procedure; existing amendments declared valid.

Sec. 10.

Any church incorporated under this act may, at any annual meeting, or at any special meeting, called for that purpose, by a vote of the majority of those present qualified to vote and voting on the question, amend its articles of agreement in any manner not inconsistent with the provisions of this act, of the constitution and canons of the Protestant Episcopal church in the United States of America, and of the diocese in which said church shall be located, and such amendments shall become operative on filing a copy of the same, certified by the presiding officer and secretary of such meeting, with the corporation and securities bureau of the department of commerce; and all such amendments heretofore made by any Protestant Episcopal church are hereby declared to be valid and binding.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10937 ;-- CL 1929, 10945 ;-- CL 1948, 458.260 ;-- Am. 1982, Act 472, Eff. Mar. 30, 1983

458.261 Repeal; saving clause.

Sec. 11.

The following entitled acts are hereby repealed, viz.: "An act to provide for the organization of Protestant Episcopal churches," approved February seventeenth, 1857; "An act to amend sections 4, 5, 6 and 7 of an act entitled 'An act to provide for the organization of Protestant Episcopal churches,' approved February seventeenth, 1857, being sections 3083, 3084, 3085 and 3086 of the compiled laws of 1871, and to add a new section thereto, to stand as section 8 of said act," approved May twenty-seventh, 1879; "An act to enable certain Protestant Episcopal churches to reorganize under the statute, approved February seventeenth, 1857, entitled 'An act to provide for the organization of Protestant Episcopal churches,'" approved March fourteenth, 1865; also all other acts amendatory of the above entitled acts, or inconsistent with this act; but the organization of all corporations under the provisions of either of said acts shall be deemed and taken to be organizations under this act, and all rights, obligations and liabilities contracted or incurred by any such corporations thereunder, or under the provisions of any law now in force, not inconsistent with the provisions of this act, shall continue of the same force and effect as though such acts of law had not been repealed; all such corporations, from and after the taking effect of this act, shall be subject to all the provisions hereof as fully as though such organization had been perfected hereunder.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10938 ;-- CL 1929, 10946 ;-- CL 1948, 458.261

Compiler's Notes: There is no repeal clause in the title of this act.

458.262 Reorganization and incorporation under act, procedure; officers.

Sec. 12.

Any Protestant Episcopal church, heretofore organized under any other general law than those mentioned in the last preceding section, may reorganize so as to become subject to the provisions of this act. The wardens and vestry members, de jure or de facto, of such church, or a majority of them, are hereby authorized by their names of office to execute, acknowledge and file 1 or more articles of agreement, as provided in sections 1, 2 and 3 of this act, which articles shall, in addition to the requisites in said last mentioned sections provided, set forth that they are executed for the purpose of reorganizing such church according to the provisions of this act; and such articles shall be deemed sufficient, when so executed and acknowledged, although the number of signers shall be less than 6, if consisting of a majority of such wardens and vestry members. Upon the execution and filing of said articles, such church shall, without further action, be deemed to all intents and purposes to be reorganized and a corporation under this act, and all rights of property and of contract shall remain unimpaired, and the corporate identity of such church shall continue unchanged.

The wardens and vestry members in office shall continue in office until the annual election in Easter week next following such reorganization, and until their successors shall be chosen; and no other meeting or notice shall be necessary to complete such reorganization.

History: 1899, Act 40, Imd. Eff. Apr. 18, 1899 ;-- CL 1915, 10939 ;-- CL 1929, 10947 ;-- CL 1948, 458.262 ;-- Am. 1957, Act 136, Imd. Eff. May 28, 1957

458.263 Cathedral; ex-officio rector.

Sec. 13.

Should it be desirable to use the church building and any other buildings or property of any Protestant Episcopal church heretofore or hereafter organized and existing in this state, as and for a cathedral, it shall be lawful for such church, at its first meeting, or at any annual meeting, or at a special meeting duly called for that purpose, to adopt a plan not inconsistent with this act, nor with the constitutions and canons, doctrine, discipline and worship of the Protestant Episcopal church, by which it may adapt itself and its property to such use; which plan may provide for a dean or other officer, who shall be elected with the advice and consent of the bishop of the diocese in which such church may be located, in accordance with the canons of said diocese, and who shall be ex-officio rector.

History: Add. 1909, Act 87, Eff. Sept. 1, 1909 ;-- CL 1915, 10940 ;-- CL 1929, 10948 ;-- CL 1948, 458.263

PROTESTANT EPISCOPAL BISHOPS

Act 223 of 1913

AN ACT to authorize the bishops of the Protestant Episcopal church in Michigan, and their successors in office to hold property in their respective dioceses in trust for the use of the said church.

History: 1913, Act 223, Eff. Aug. 14, 1913

The People of the State of Michigan enact:

458.271 Conveyances to bishops of Protestant Episcopal church in trust for certain purposes.

Sec. 1.

All gifts, grants, deeds, wills and other conveyances wherein or whereby any lands, tenements or other property within this state, or any personal property the donor or grantor of which resided in this state at the time such conveyance or will became effective, have been given, granted, devised or bequeathed, or in any manner conveyed by any person or persons whatever, unto any person or persons by the name, style or title of bishop of any diocese of said church in this state or his successors, or to any of such bishops in his individual name without the expression or designation of any title, upon the trust expressed or implied to take hold and receive the same for the use and benefit of any congregation or society of the Protestant Episcopal church, or for the support, aid and maintenance of any school, hospital, church, parish house, burial ground, parsonage or rectory, or other religious or charitable purposes within this state, and all such gifts, grants, deeds, wills and other conveyances which may hereafter be so made, shall vest the legal title of, in and to said lands, tenements and personal property, in the said bishop and in his successor or successors forever, in trust for the uses and purposes for which said property is, or may be hereafter acquired, granted or devised: Provided, That nothing in this act shall be taken or construed to give, or grant to the said bishop or bishops, or his or their successor or successors, the right to hold real estate in trust for any society except for charitable, religious or educational purposes, as provided for in this act.

History: 1913, Act 223, Eff. Aug. 14, 1913 ;-- CL 1915, 10941 ;-- CL 1929, 10949 ;-- Am. 1937, Act 197, Imd. Eff. July 20, 1937 ;-- CL 1948, 458.271

458.272 Conditions under which legal title vests in bishop even though not named in conveyance.

Sec. 2.

All gifts, grants, deeds, wills and other conveyances wherein or whereby any lands, tenements or other property within this state, or any personal property the donor or grantor of which resided in this state at the time such conveyance or will became effective, have been, or shall hereafter be given, granted, devised or bequeathed or in any manner conveyed unto any parish, mission or religious, educational or charitable society of the Protestant Episcopal church in the state of Michigan by name, and such parish, mission or society shall be incapable of receiving or holding such property, whether by reason of being unincorporated, or because the persons designated as grantees are uncertain and indefinite, and all such gifts, devises and bequests which have been made, or shall hereafter be made, in trust for any religious, educational, or charitable purpose of the Protestant Episcopal church, in which no trustee is named in the conveyance or will, or in which the trustee so named shall fail to qualify, shall vest the legal title of, in and to said lands, tenements and personal property in the present bishop of the Protestant Episcopal church of the diocese in which such society is located or within which such religious, educational or charitable purpose is to be executed, and in his successor or successors forever, in trust for the uses and purposes for which said property is, or may be hereafter acquired, granted or devised.

History: Add. 1937, Act 197, Imd. Eff. July 20, 1937 ;-- CL 1948, 458.272

458.273 Authority of bishop to make conveyance; approval required.

Sec. 3.

Any bishop of the Protestant Episcopal church in the state of Michigan who may now or hereafter be vested with title to any lands, tenements or personal property in trust for any of the uses and purposes named herein may in his discretion give, grant and convey the same to a corporation incorporated under the laws of the state of Michigan, authorized by the canons of said diocese or by resolution of the diocesan convention thereof to hold such property, subject to all the terms and conditions of the trust under which said bishop received and held the same.

History: Add. 1937, Act 197, Imd. Eff. July 20, 1937 ;-- CL 1948, 458.273

CONGREGATIONAL CHURCHES

Act 53 of 1901

AN ACT for the organization of corporate Congregational churches; and to impose certain duties upon the department of commerce.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1982, Act 83, Imd. Eff. Apr. 19, 1982

The People of the State of Michigan enact:

458.301 Congregational church; incorporators; articles, execution, contents.

Sec. 1.

It shall be lawful for any number of persons of full age, not less than 5, who may desire to form themselves into a Congregational church, to adopt, execute and acknowledge before any person authorized to take acknowledgment of deeds, articles of association, in writing, whereby they shall agree to organize a church, according to the faith and usages of the churches commonly called Congregational, under the name and style set

forth in said articles, which shall contain the following items:

First. The name of said church;

Second. The township, village or city, and the county in which said church shall be located;

Third. An agreement to worship and labor together as a church according to the faith and usages of the churches commonly called Congregational.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11016 ;-- CL 1929, 10950 ;-- CL 1948, 458.301

458.302 Election, qualifications, and terms of trustees; filing articles of association and certificate of election with department of commerce; effect.

Sec. 2.

The persons signing said articles may, at the same time, elect by ballot, or may designate some other time and place for so electing, not less than 3 nor more than 12 trustees, a majority of whom shall be members of said church, to serve until their successors shall be elected. One-third of said trustees as near as may be shall, at the first election, be chosen for 3 years, 1/3 for 2 years, and 1/3 for 1 year, but thereafter, except to fill vacancies, they shall be chosen for 3 years, of which election a full record shall be made, and a certified copy of such record, signed by the presiding officer and secretary of the meeting at which said election is held, together with said articles of association, shall be filed with the corporation and securities bureau of the department of commerce. When said articles of association and the certificate of election of said trustees shall have been so filed for record, the persons who shall have signed said articles, together with those who shall thereafter become members of said church, and, if the articles of association so provide, those persons, being of legal age, who are, and those who shall become regular contributors to the support of said church, shall become and be a body corporate under the name and style adopted in said articles, which name shall conform to the following form, namely: The (insert name or number) Congregational church of (insert name of place of location).

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11017 ;-- CL 1929, 10951 ;-- CL 1948, 458.302 ;-- Am. 1982, Act 83, Imd. Eff. Apr. 19, 1982

458.303 Amendment of articles of association.

Sec. 3.

It shall be lawful for said corporation at any regular or called meeting of its members, due notice having been given as hereinafter provided, by a 2/3 majority of the ballots cast at such meeting, to amend its articles of association in any manner not inconsistent with the provisions of this act, and such amendment shall become operative when a copy of the same, duly certified by the presiding officer and clerk of such meeting, and acknowledged before any person authorized to take acknowledgment of deeds, shall be filed with the corporation and securities bureau of the department of commerce.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11018 ;-- CL 1929, 10952 ;-- CL 1948, 458.303 ;-- Am. 1982, Act 83, Imd. Eff. Apr. 19, 1982

458.304 Right to vote.

Sec. 4.

At all meetings of said corporations, subsequent to the first, right to vote upon questions involving the

acquisition and disposition of property and the expenditure of money shall be confined to adult members of the church so incorporated, and, if the articles of association so provide, those persons, being of legal age, who are regular contributors to its support: Provided, That if said church shall have suspended worship, the right to vote shall be determined as of the date of such suspension.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1905, Act 84, Imd. Eff. May 3, 1905 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11019 ;-- CL 1929, 10953 ;-- CL 1948, 458.304

458.304a Congregational churches; by-laws, adoption, subjects, amendment or repeal.

Sec. 4a.

Every such corporation shall have authority to adopt by-laws at any regular or special meeting called for that purpose, upon the approval of such proposed by-laws by a majority vote of its membership. The notice of such regular or special meeting shall contain a statement that by-laws are to be considered for adoption, alteration, amendment or repeal, except as otherwise prescribed in this act, or the articles of association, said by-laws may determine the qualification of members; the manner in which they shall be admitted, suspended or expelled; the number and official title of the person or persons who control the business and religious affairs of such corporation; their terms of office; the manner of their selection and removal from office; their respective official duties; the time and manner of calling and holding church business meetings and the number of members constituting a quorum; the manner and condition under which property, both real and personal, may be acquired, held and disposed of; provisions for direction and control of the board of trustees in the exercise of their powers and duties; provisions not inconsistent with the articles of association for officers, their designations and duties and for the qualification of members to vote at meetings; and such other by-laws as may be deemed necessary for the management of the business and religious affairs of such corporation. The by-laws may prescribe how the same may be altered, amended or repealed.

History: Add. 1955, Act 254, Imd. Eff. June 29, 1955

458.305 Notice of meetings; amendments.

Sec. 5.

Notice of meetings of said corporation, specifying the time, place, and object thereof, shall be read from the pulpit on the 2 successive Sundays preceding such meeting on which services shall be held: Provided, however, That in case it is proposed to amend the articles of association, the proposed amendment, together with a notice of the meeting called for its consideration, shall be read from the pulpit on the 3 successive Sundays, immediately preceding such meeting on which services shall be held; and the proposed amendment shall not itself be amended, in any material point, in the meeting so called for its consideration: And Provided further, That if there should be no public services at which the notice herein required may be given, said notice may be posted on the church door or published in the town, city or county newspaper whose circulation among the members is greatest, for 3 weeks preceding such meeting, specifying the time and place and object thereof.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11020 ;-- CL 1929, 10954 ;-- CL 1948, 458.305

458.306 Powers of board of trustees; limitations; election of trustees and officers.

Sec. 6.

In the management of the secular affairs of the church so incorporated and of the business of said corporation, but subject always to its direction and control, the board of trustees thereof shall have and exercise all such powers of the board of directors of a business corporation as are appropriate to the purposes and business of a religious corporation: Provided, however, That said board of trustees shall not choose, call, settle or dismiss a pastor or fix his salary or buy, sell, convey or incumber real estate or any right thereto or interest therein, unless instructed so to do by said corporation at a regularly called meeting: And provided further, That members of the board of trustees and such other officers as may be provided for in the articles of association shall be elected by ballot at a regularly called meeting of those entitled to vote under the articles of association.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11021 ;-- CL 1929, 10955 ;-- CL 1948, 458.306

458.307 Powers of corporation; seal; offerings and funds for certain purposes.

Sec. 7.

Such corporation may have a seal and alter the same at will. It may, in its corporate name, sue and be sued in all courts of competent jurisdiction. Subject to the provisions of this act it shall have power to choose, call and settle a pastor and fix his salary; to elect trustees, treasurer and clerk and such other officers as may be provided for in its articles of association; to direct and control their actions; to acquire, hold, manage, control, sell and convey property both real and personal; to hold and recover all debts, damages, rights, privileges and all property, real, personal or mixed of whatsoever nature they or it may be and in whosoever hands held, belonging or appertaining to said church or to the religious organization out of which it is incorporated or reincorporated the same as if the right and title to said property had originally been vested in said corporation. It may hold so much real estate as may be needed for the purpose of church building, parsonage and cemetery purposes and of any so-called institutional activities; it may also hold for a period not exceeding 10 years, such real estate as may be conveyed or devised to it even though the same be not needed for the purposes above mentioned or be actually occupied by it in the exercise of its franchises: Provided, however, That all property of said corporation whether real, personal or mixed or whether held in fee or in trust and the income therefrom and the proceeds thereof when sold shall, subject to the terms of any trust or trusts relating thereto or to any part thereof, be held and used by said corporation for the benefit of said church as a Congregational religious organization, and for no other purpose whatsoever, except as provided in section 8 of this act. Said corporation may and shall hold in perpetuity as a permanent fund all property given, bequeathed or devised to it or acquired by it for the purpose of an endowment, the income from which fund, subject to the terms of any specific trust or trusts relating thereto, or to any particular part thereof, may be used for any lawful purposes of said church or corporation: Provided, That as to real estate, said property, when so required by law, may be sold and the proceeds from such sale covered into said fund: And Provided further, That said corporation, in the lawful administration of said fund, may sell any property therein and re-invest the proceeds of such sale in such securities and other property as shall be lawful investments for savings banks and trustees in this state, said property and securities when acquired, to become a part of the principal of said fund: And Provided further, That none of the offerings of said church received or collected for missionary or benevolent purposes shall be used for the current running expenses of said church or corporation; nor shall any fund or funds, money or other property received, set aside, accumulated or acquired for a specific purpose be diverted to any other use without the consent of the donor or his duly authorized representatives.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11022 ;-- CL 1929, 10956 ;-- CL 1948, 458.307

458.308 Corporation declared extinct; dissolution, procedure; title, vesting in conference, powers and duties.

Sec. 8.

In all cases where the property of any corporation subject to the provisions of this act has been abandoned, or is no longer used for the benefit of said corporation as a Congregational religious organization, or if said corporation

has for a period of 2 years ceased to exercise its corporate functions, or to hold regular religious services, then, in any or all of such cases, the local association of churches with which it is, or has last been connected may, by resolution declare the said corporation extinct and may notify the Michigan Congregational Conference, a corporation organized and existing under and by virtue of the laws of this state, of such resolution. Upon receiving such notice the said conference by its executive committee or such officer as said committee may designate, may apply to any court of equity jurisdiction in the county in which said property may be, for a decree, dissolving said corporation and vesting the title to its property in the said Michigan Congregational Conference. The application for such decree shall contain a statement of the reasons for said action and there shall be annexed thereto a duly certified copy of the resolution of the local association of churches to which said corporation belonged, declaring said church extinct, as above provided. Upon the filing of said application an order shall be entered, requiring all persons interested in said corporation, to show cause if any they have why such corporation should not be dissolved, at some time and place to be therein specified, not less than 4 weeks from the date thereof. Notice of the contents of such order shall be published once in each week for 3 successive weeks in a newspaper published in said county, if any such there be, and if not, in such newspaper of general circulation in said county as the court may direct. On the day appointed in such order, or on any day to which the court may adjourn the proceedings, if it shall appear to the court that the facts set forth in said application are true, a decree shall be entered, dissolving said corporation and vesting the title to its property in the said Michigan Congregational Conference, and such corporation shall thereupon be dissolved and the title to its property shall vest in the said Michigan Congregational Conference, which shall hold the said property, or the proceeds thereof if, in its judgment, it shall be deemed wise to sell it, in trust for 2 years and if, within said time, a Congregational church shall be incorporated under this act as the successor of the church so dissolved and shall be received in due form as a member of the local association to which the said church belonged at the time of its dissolution, it shall be the duty of the said Michigan Congregational Conference, on receiving satisfactory proof of said facts, to convey the said property or the proceeds thereof to the said church so incorporated which shall then be deemed to be in all respects the successor of the said church so dissolved, and shall succeed to all of its rights, privileges, property and obligations, except as above provided, as if said corporation had not been dissolved. But if no such church is so organized and incorporated, the absolute title to said property shall vest in the said Michigan Congregational Conference, subject to all trusts affecting the same in the hands of the dissolved corporation.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11023 ;-- CL 1929, 10957 ;-- CL 1948, 458.308

458.309 Incorporation under act; procedure.

Sec. 9.

Any church or religious organization, whether incorporated or un-incorporated, may, at a meeting duly called for the purpose, by a 2/3 vote of those persons present and voting, place itself under the provisions of this act, the same as if incorporated under it by adopting and filing articles of association as provided in section 2 hereof.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11024 ;-- CL 1929, 10958 ;-- CL 1948, 458.309

458.310 Construction of inconsistent acts.

Sec. 10.

In all cases, whether in law or in equity, that may arise in any of the courts of the state, regarding churches incorporated under this act, or those which by vote shall have put themselves under its provisions, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to the provisions of this act.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901 ;-- Am. 1913, Act 298, Eff. Aug. 14, 1913 ;-- CL 1915, 11025 ;-- CL 1929, 10959 ;-- CL 1948, 458.310

CONSOLIDATION OF CONGREGATIONAL CHURCH AND ITS ECCLESIASTICAL SOCIETY

Act 47 of 1901

AN ACT for the consolidation in Congregational churches of an ecclesiastical society with its church.

History: 1901, Act 47, Imd. Eff. Apr. 8, 1901

The People of the State of Michigan enact:

458.331 Consolidation of Congregational church and its ecclesiastical society; procedure.

Sec. 1.

That when any Congregational church which has a religious or ecclesiastical society with corporate powers in connection with it, shall, by a 2/3 vote of those entitled to vote therein and voting, at a meeting duly called for the purpose, express by ballot a desire to assume said corporate powers and manage all its affairs, both temporal and spiritual, it shall be the duty of the trustees of the said religious or ecclesiastical society, upon receiving official notice of said vote, at any time within 3 months after receiving such notice, to call a meeting of the said religious or ecclesiastical society, due notice for 3 weeks being given, for the purpose of effecting a union of said church and religious society; and the notice calling such meeting of the religious society shall specify the following objects of the said meeting, together with the time and place where the meeting is to be held, namely:

First. For the purpose of consolidating the religious society with the church in connection, shall the name of the society be changed to that of the church in connection?

Two. For the same purpose shall the membership of the society, after the expiration of 1 year from the time of this vote, be limited to the members of the church in connection, of legal age; or to such members together with the pew holders in said church, if otherwise qualified to vote?

Three. For the same purpose shall the time and place of holding the annual and other meetings of the religious society be so changed as to coincide with the time and place of holding the annual and other meetings of the church in connection?

History: 1901, Act 47, Imd. Eff. Apr. 8, 1901 ;-- CL 1915, 11026 ;-- CL 1929, 10960 ;-- CL 1948, 458.331

Compiler's Notes: This act is expressly repealed by section 3 of Act 303 of 1913, being MCL 458.353, which, however, contains the proviso that this act shall be deemed to be still in force for the enjoyment and protection of all rights now held or enjoyed under and by virtue of this act.

458.332 Consolidation of Congregational church and its ecclesiastical society; completion.

Sec. 2.

If these questions shall be answered in the affirmative by a 2/3 vote of the legal members of the religious society present and voting, and by ballot, at said meeting, then the said religious society shall thereby be consolidated with the church in connection, and the 2 shall thereafter be 1 body incorporate, possessed of all the records, rights, property, funds and franchises belonging to the said church and its religious society before their union in 1 corporate body.

History: 1901, Act 47, Imd. Eff. Apr. 8, 1901 ;-- CL 1915, 11026a ;-- CL 1929, 10961 ;-- CL 1948, 458.332

458.333 Consolidation of Congregational church and its ecclesiastical society; act governing consolidated church.

Sec. 3.

Any church governed according to the rules and usages of the Congregational denomination within the state, with which its religious society has been consolidated under the provisions of this act shall be subject to the provisions of the act, entitled "An act for the organization of corporate Congregational churches," the same as if it had been originally organized under the said act.

History: 1901, Act 47, Imd. Eff. Apr. 8, 1901 ;-- CL 1915, 11026b ;-- CL 1929, 10962 ;-- CL 1948, 458.333

Compiler's Notes: The act referred to in this section is Act 53 of 1901, being MCL 458.301 to 458.310.

DISSOLUTION OF CONGREGATIONAL ECCLESIASTICAL SOCIETIES

Act 303 of 1913

AN ACT to provide for the voluntary dissolution of ecclesiastical societies auxiliary to Congregational churches, and for the disposition of their property, and to repeal Act No. 47 of the Public Acts of 1901, entitled "An act for the consolidation in Congregational churches of an ecclesiastical society with its church."

History: 1913, Act 303, Eff. Aug. 14, 1913

The People of the State of Michigan enact:

458.351 Meeting of incorporated society; calling.

Sec. 1.

Whenever any Congregational church, in connection with which is an already incorporated religious or ecclesiastical society, at any regular or called meeting, shall express by ballot and by a 2/3 vote of its qualified members present and voting a desire to assume said corporate powers and the direction and control of its property and secular affairs, the trustees of said society, upon receiving official notification of the vote of said church, shall forthwith call a meeting of said society, of which meeting notice shall be given on 3 successive Sundays next preceding the date of said meeting, specifying the time, place and object thereof, to consider and vote upon the questions stated in section 2 hereof.

History: 1913, Act 303, Eff. Aug. 14, 1913 ;-- CL 1915, 11027 ;-- CL 1929, 10963 ;-- CL 1948, 458.351

458.352 Question to be voted; incorporation of church; dissolution of society.

Sec. 2.

At the meeting so called, the following question shall be put to vote:

Shall the title to all the property of the (name of society) be vested in the Congregational church of, Michigan, and the said society be dissolved?

The vote shall be by ballot and if 2/3 of the ballots cast shall be in the affirmative, a duly certified copy of such resolution shall be transmitted to the clerk of the said church who shall call a meeting of the said church, which shall then prepare, execute and place on record, articles of association under and in accordance with the provisions of Act No. 53 of the Public Acts of 1901, and the amendments thereto, or such other act as may hereafter

supersede said act and upon recording said articles of association as provided in said act the said society shall be dissolved and all property owned by it shall pass to and be held by the said church so incorporated under the name and style adopted by it in the said articles of association, and all liabilities of said society shall be assumed and paid by said church.

History: 1913, Act 303, Eff. Aug. 14, 1913 ;-- CL 1915, 11028 ;-- CL 1929, 10964 ;-- CL 1948, 458.352

Compiler's Notes: The act referred to in this section is Act 53 of 1901, being MCL 458.301 to 458.310.

458.353 Repeal; saving clause.

Sec. 3.

Act No. 47 of the Public Acts of 1901, entitled "An act for the consolidation in Congregational churches of an ecclesiastical society with its church," is hereby repealed: Provided, however, That notwithstanding the repeal thereof, all rights of every kind and nature now held or enjoyed under and by virtue thereof, are expressly preserved and shall continue unimpaired; and said act shall be deemed to be still in force for the enjoyment and protection of said rights but for no other purpose whatsoever.

History: 1913, Act 303, Eff. Aug. 14, 1913 ;-- CL 1915, 11029 ;-- CL 1929, 10965 ;-- CL 1948, 458.353

Compiler's Notes: Act 47 of 1901, referred to in this section, appears as MCL 458.331 et seq.

REFORMED CHURCHES IN AMERICA

Act 82 of 1899

AN ACT to provide for the incorporation of reformed churches in America, formerly known as Reformed Protestant Dutch churches; and to impose certain duties upon the department of commerce.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- Am. 1982, Act 79, Imd. Eff. Apr. 19, 1982

The People of the State of Michigan enact:

458.401 Reformed church or congregation; trustees; execution and acknowledgment of articles of association; filing copy of articles with department of commerce; trustees and successors as body politic.

Sec. 1.

That the minister or ministers and elders and deacons, and if during any time there be no minister, then the elders and deacons during such time, of every reformed church or congregation now or hereafter to be established in this state, and elected according to the rules and usages of such churches within this state, shall be trustees for every such church or congregation, and it shall be lawful for the said trustees, if not already incorporated, to assemble together as soon as they shall deem it convenient, and execute under their hands and seals articles of association, in duplicate, and acknowledge before some officer authorized by law to take acknowledgment of deeds. One of such duplicate copies shall be retained by such corporation and 1 copy shall be filed in the corporation and securities bureau of the department of commerce. And such trustees and their successors shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such articles of association.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- CL 1915, 10954 ;-- CL 1929, 10966 ;-- CL 1948, 458.401 ;-- Am. 1982, Act 79, Imd. Eff. Apr. 19, 1982

458.402 Articles; contents.

Sec. 2.

The articles of association of any such corporation shall state the purpose for which such society is incorporated, the name of the corporation, the period for which it is incorporated, and the name and place of residence of each of the persons associating in the first instance.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- CL 1915, 10955 ;-- CL 1929, 10967 ;-- CL 1948, 458.402

458.403 Powers of trustees.

Sec. 3.

The trustees of every church, congregation or society hereinabove mentioned, and their successors may respectively have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorized and empowered to take into their possession and custody all the temporalities belonging to such church, congregation or society, whether the same consists of real or personal estate, and whether the same shall have been given, granted or devised directly to such church, congregation or society, or to any other person for their use; and also, by their corporate name or title, to sue and be sued in all courts of law or equity, and to recover, hold and enjoy all the debts, demands, rights and privileges, and all churches, meeting houses, parsonages and burying places, with the appurtenances, and all estates belonging to such church, congregation or society, in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been invested in the said trustees; and also to purchase and hold other real and personal estate, and to demise, lease and improve the same for the use of such church, congregation or society, or other pious uses, and also to repair and alter their churches or meeting houses, and to erect others, if necessary, and to erect dwelling houses for the use of their ministers, and other buildings for the use of such church, congregation or society; and such trustees shall also have power to make rules and orders for managing the temporal affairs of such church, congregation or society, and to dispose of all moneys belonging thereto, and to regulate and order the renting of the pews in their churches and meeting houses, and the perquisites for the breaking of the ground in the cemetery or church yards and in the said churches or meeting houses, for burying the dead and all other matters relating to the temporal concerns and revenues of such church, congregation or society; and to appoint a clerk and treasurer of their board, and a collector to collect and receive the said rents and revenues, and to regulate the fees to be allowed to such clerk, treasurer and collector, and them or either of them to remove at pleasure, and appoint others in their stead; and such clerk shall enter all rules and orders made by such trustees, and payments ordered by them, in a book to be provided by them for that purpose.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- CL 1915, 10956 ;-- CL 1929, 10968 ;-- CL 1948, 458.403

458.404 Receipt of bequests or gifts of money for investment; real estate.

Sec. 4.

The trustees of every such church, congregation or society, hereinabove mentioned, may receive bequests or gifts of money for investment upon bond or mortgage when the interest of such investment is to be used by such trustees for the lawful purposes of the corporation, and may receive gifts or bequests of real estate for like purposes, but such real estate, so received shall be sold within 10 years of the time it becomes the property of such corporation, and the proceeds derived from such sale shall be invested in like manner as if the original bequest had been in money.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- CL 1915, 10957 ;-- CL 1929, 10969 ;-- CL 1948, 458.404

458.405 Dissolution; incumbrance or alienation of land.

Sec. 5.

No corporation organized or reincorporated under the provisions of this act shall be dissolved or disbanded except by and with the consent of the classis to which such church shall belong, and no church building or parsonage, or any land necessarily used in connection therewith for the purpose of public worship, shall be sold, mortgaged, or in any manner alienated by such trustees or congregation except by and with the consent of the classis to which such church belongs.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- CL 1915, 10958 ;-- CL 1929, 10970 ;-- CL 1948, 458.405

458.406 Real estate not needed for church; sale or incumbrance.

Sec. 6.

It shall be lawful for the trustees of every such church, congregation or society to sell and convey or mortgage, without the consent of the classis to which such church, congregation or society may belong, all real estate that may belong to such corporation, and upon which no church buildings or parsonage shall have been erected, and which is not necessary for use by such church, congregation or society in connection with their public worship.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- CL 1915, 10959 ;-- CL 1929, 10971 ;-- CL 1948, 458.406

458.407 Extension of corporate existence; term; filing resolution with department of commerce; effect.

Sec. 7.

Any corporation organized under the provisions of this act whose corporate existence is about to expire by limitation may extend its corporate existence for a term not exceeding 30 years, by filing with the corporation and securities bureau of the department of commerce duly attested copies of a resolution adopted by such corporation at a meeting called in accordance with the provisions of its bylaws expressing a desire to so extend its corporate existence, and upon the filing of such resolution as above specified, the corporate existence of such body shall be extended in accordance with the terms of such resolution for a term of not exceeding 30 years from the date of the expiration of its former term, and all rights of property and of contract shall remain unimpaired and the corporate identity of such body shall remain unchanged.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- CL 1915, 10960 ;-- CL 1929, 10972 ;-- CL 1948, 458.407 ;-- Am. 1982, Act 79, Imd. Eff. Apr. 19, 1982

458.408 Reincorporation under act; saving clause.

Sec. 8.

The trustees of every church, congregation or society that have heretofore been incorporated by virtue of the provisions of chapter 173, volume 1, Howell's annotated statutes of Michigan, providing for the incorporation of Reformed Protestant Dutch churches, and that are now operating thereunder, are hereby reincorporated under the

provisions of this act, and shall be governed by all of the provisions thereof, the same as if they had been originally incorporated under this act, and all such corporations reincorporated under and made subject to the provisions of this act shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to such corporations as formerly incorporated, and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its reincorporation under and subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed debts and liabilities of the new corporation, and all the officers of any such corporation elected or appointed under the provisions of the former act incorporating such corporation and in office at the time of such reincorporation under this act shall continue to exercise their respective functions under the provisions of this act of reincorporation for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their office.

History: 1899, Act 82, Imd. Eff. May 25, 1899 ;-- CL 1915, 10961 ;-- CL 1929, 10973 ;-- CL 1948, 458.408

Compiler's Notes: Chapter 173, referred to in this section, consisted of Act 355 of 1865, which was repealed by Act 209 of 1897. The latter was subsequently repealed by Act 84 of 1921.

CHRISTIAN REFORMED CHURCHES

Act 148 of 1901

AN ACT to provide for the incorporation of Christian Reformed churches of America; and to impose certain duties upon the department of commerce.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- Am. 1982, Act 82, Imd. Eff. Apr. 19, 1982

The People of the State of Michigan enact:

458.421 Christian Reformed church; trustees; execution and acknowledgment of articles of association; filing copy of articles with department of commerce; trustees and successors as body corporate.

Sec. 1.

That the minister or ministers, elders, and deacons, and if during any time there shall be no minister, then the elders and deacons during such time of every Christian Reformed church now existing or hereafter to be organized in this state and elected according to the constitution and usages of such church within this state, shall be the trustees of every such church or congregation, and it shall be lawful for such trustees if not already incorporated, to assemble together as they shall deem it convenient, and execute under their hands and seals, articles of association, in writing, in duplicate, and acknowledge the same before some officer authorized by law to take acknowledgment of deeds.

One of such duplicate copies shall be retained by such corporation, and 1 copy shall be filed in the corporation and securities bureau of the department of commerce, and such trustees and their successors in office shall thereupon by virtue of such articles and this act be a body corporate by the name or title expressed in such articles of association.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11030 ;-- CL 1929, 10974 ;-- CL 1948, 458.421 ;-- Am. 1982, Act 82, Imd. Eff. Apr. 19, 1982

458.422 Articles; contents.

Sec. 2.

The said articles shall contain:

First. The name of the proposed corporation;

Second. The city, village or township in which the same is located;

Third. The fundamental principles of the proposed organization which shall in all cases be in conformity to the faith and constitution or form of government as adopted by the synod of the Christian Reformed church of America in the year A.D. 1896, and any amendments or additions thereto as shall have been adopted and may hereafter be adopted by the synod of said church;

Fourth. The period for which such corporation is incorporated not exceeding 30 years.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11031 ;-- CL 1929, 10975 ;-- CL 1948, 458.422

458.423 Officers; membership qualification; vacation or vacancy, effect.

Sec. 3.

Any person elected to the office of pastor, elder or deacon according to the constitution and usages of the Christian Reformed churches of America in any particular church, and the pastor, if there be one, shall become and be a member of the corporation of that church, and corporate functions of all offices shall cease on the vacation of the ecclesiastical office, but a vacancy in the office of the pastor shall in no degree affect such corporation.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11032 ;-- CL 1929, 10976 ;-- CL 1948, 458.423

458.424 Powers of trustees.

Sec. 4.

Such trustees may have a common seal and alter the same at pleasure, and shall take into their possession and custody all the temporalities of the church, and make rules and regulations for the management thereof, whether the same shall consist of real or personal estate, and whether the same has been given, granted, bequeathed or devised directly or indirectly to such church, or to any person for their use.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11033 ;-- CL 1929, 10977 ;-- CL 1948, 458.424

458.425 Powers of trustees; powers of corporation; sale of land, investment of proceeds.

Sec. 5.

Such corporation may also in their own corporate name sue and be sued in all courts and places, and may in its corporate name recover and hold all debts, demands, rights and privileges, churches, buildings and parsonages and all the estate and appurtenances belonging to such church in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in said corporation, and they may hold the moneys and personal estate raised or acquired for the purpose of erecting churches, parsonages and other buildings and may hold such an amount of real estate as it shall be reasonably necessary for church, lecture or school room and for dwellings for their ministers. Such trustees may also receive bequests or gifts of money for investment upon bond or mortgage, when the interest of such investment is to be used by such trustees for the lawful purposes of such church and may receive gifts or devise of real estate for like purpose; but all such real estate so received, except that used for church buildings, site, school or lecture rooms and parsonages, shall be sold within 10 years from the time it becomes the property of such church and the proceeds derived from such sale shall be invested or used in like manner as if the original gift or devise had been in money.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11034 ;-- CL 1929, 10978 ;-- CL 1948, 458.425

458.426 Powers of trustees; limitations; terms of grant, donation or other conveyance, controlling.

Sec. 6.

Said trustees shall also have power and authority to bargain, sell, convey, mortgage, lease or release any real estate belonging to said church or held by them as such trustees, and to erect churches, parsonages, school houses and other buildings for the direct and legitimate use of such church and to alter and repair the same, and to fix the salaries of their ministers: Provided, That no such purchase, sale or conveyance, mortgage, lease or fixing of salaries shall be made unless the vote of at least a majority of the members of the church organizations of which said trustees are officers, shall be first obtained at a meeting of such members of said church or congregation present and entitled to vote at any meeting of the members of such church or congregation duly and especially called for that purpose, by notice given for 2 successive Sabbaths at the usual place of meeting next preceding such meeting: Provided further, That no sale, mortgaging or conveyance shall be made of any gift, grant or donation, conveyance, devise or bequest which would be inconsistent with the express terms or plain intent of the grant, donation, gift, conveyance, devise or bequest.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11035 ;-- CL 1929, 10979 ;-- Am. 1937, Act 175, Eff. Oct. 29, 1937 ;-- CL 1948, 458.426

458.427 Amendment of articles of association.

Sec. 7.

At any time after such corporation shall have been duly organized, it shall be lawful for such trustees, at any meeting thereof by a vote of 2/3 of the trustees to amend its articles of association in any manner not inconsistent with the provision of this act: Provided, That before such amendments shall be operative a vote in favor thereof, of at least 2/3 of the members of such church organization, present and entitled to vote shall be obtained by such trustees at a meeting of the members of said church specially called for that purpose, and of which notice has first been given as provided in section 6 of this act, and after such vote of said church organization in favor of such amendment, then a copy thereof shall be filed in accordance with the provision of section 1 of this act. Such copies of the amended articles of association shall be certified by the chairman and secretary of such meeting.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11036 ;-- CL 1929, 10980 ;-- CL 1948, 458.427 ;-- Am. 1982, Act 82, Imd. Eff. Apr. 19, 1982

458.428 Incorporation under act; procedure.

Sec. 8.

The minister, elders and deacons of any church of the Christian Reformed church of Michigan, the trustees of which have been incorporated under any law of this state, may elect to become incorporated and take corporate powers under this act: Provided, That the consent of 2/3 of all the members of such church organization present at a public meeting must first be obtained therefor, of which meeting due notice of the time, place and object thereof, shall be given in manner prescribed in the act under which such corporation is organized or incorporated, or in accordance with notice of meeting given in section 6 of this act; if such consent shall be obtained, a certificate shall be executed and acknowledged by the presiding officer and secretary of such meeting, and shall be filed in accordance with section 1 of this act; and on compliance with the provisions of this act providing for the reincorporation of such church congregation or society, all the property, powers, duties, trusts and obligations of

every kind possessed or pertaining to the original corporation shall be transferred to and become vested in the minister, elders and deacons of such church organization as trustees of such church and as a corporation organized for the same church under this act.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11037 ;-- CL 1929, 10981 ;-- CL 1948, 458.428

458.429 Reincorporation under act; saving clause.

Sec. 9.

The trustees of every church organization that have heretofore been incorporated by virtue of the provisions of chapter 176 of volume 1 of Howell's annotated statutes of the state of Michigan and amendments thereto providing for the incorporation of Holland Christian Reformed churches may become reincorporated under the provisions of this act: Provided, That a vote of not less than a majority of the members of any such church or congregation present, and entitled to vote at any meeting of such church organization, duly and specially called for that purpose, by notice given 2 successive Sabbaths at the usual place of meeting, next preceding such meeting, shall have been obtained therefor, if such church organization shall by a majority vote of the members thereof present at said meeting and entitled to vote, elect to become reincorporated under this act, a certificate thereof shall be executed and acknowledged by the presiding officer and secretary of such meeting, and be filed in accordance with the requirements of section 1 of this act whereupon the trustees of such reincorporated church or congregation shall become a corporation and be governed by the provisions of this act the same as if they had originally incorporated thereunder, and all such corporations reincorporated under and made subject to the provisions of this act shall succeed to and be vested with all the property, real and personal, moneys, credits, and effects, and all the records, files, books and papers belonging to such corporation as formerly incorporated, and no rights or liabilities, either in favor or against such former corporation existing at the time of this reincorporation under the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed debts and liabilities of the new corporation, and all the officers of any such corporation elected or appointed under the provisions of the former act of incorporation, and in office at the time of such reincorporation under this act, shall continue to exercise the functions under the provisions of this act of reincorporation for the full term which they were elected or appointed and until their successors shall have qualified and entered upon the duties of their offices.

History: 1901, Act 148, Eff. Sept. 5, 1901 ;-- CL 1915, 11038 ;-- CL 1929, 10982 ;-- CL 1948, 458.429

Compiler's Notes: Chapter 176, referred to in this section, consisted of Act 69 of 1881, which was repealed by Act 209 of 1897. The latter was subsequently repealed by Act 84 of 1921.

EVANGELICAL CHURCHES

Act 94 of 1899

AN ACT to provide for the incorporation of churches of the Evangelical association; and to impose certain duties upon the department of commerce.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- Am. 1982, Act 444, Eff. Mar. 30, 1983

The People of the State of Michigan enact:

458.451 Evangelical church; incorporators.

Sec. 1.

It shall be lawful for any number of members of the Evangelical association of full age, not less than 5, to organize and secure the incorporation of a church according to the usage of the Evangelical association, under the provisions hereof.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10962 ;-- CL 1929, 10983 ;-- CL 1948, 458.451

458.452 Articles; execution; certificate of consent.

Sec. 2.

The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, articles of incorporation, in writing, whereby they shall agree to organize a church which shall be governed by the discipline, rules, usages and ministerial appointments of the Evangelical association. To such articles of incorporation the pastor in charge shall attach a certificate assuring his consent.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10963 ;-- CL 1929, 10984 ;-- CL 1948, 458.452

458.453 Articles; contents.

Sec. 3.

Said articles of incorporation shall contain the following items:

First. The name of the church and the town, village or city and the county and state where located.

Second. An agreement to incorporate in the interests of religion and the spread of scriptural holiness, according to the discipline, rules and usages of the Evangelical association.

Third. The number of trustees, not less than 3, who shall have charge of the affairs of said church, and the time of the annual meeting thereof.

Fourth. The time for which said corporation shall be created.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10964 ;-- CL 1929, 10985 ;-- CL 1948, 458.453

458.454 Articles of incorporation; execution in duplicate; filing articles and certificate; body politic or corporation; powers, rights, and privileges.

Sec. 4.

Such articles of incorporation shall be executed in duplicate. One copy shall be retained by such corporation, and 1 copy shall be filed with the corporation and securities bureau of the department of commerce. When said articles of incorporation and said certificate of the preacher in charge shall have been filed with the corporation and securities bureau of the department of commerce, the said persons so signing said articles of association, and their associates and fellow members of said church, and all that may thereafter become members of said church as shown by its records from time to time shall thereby become and thenceforth be a body politic or corporation by the name expressed in said articles of incorporation, with all the powers, rights, and privileges appertaining to religious corporations by the law of this state.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10965 ;-- CL 1929, 10986 ;-- CL 1948, 458.454 ;-- Am. 1982, Act 444, Eff. Mar. 30, 1983

458.455 Church government; ecclesiastical polity.

Sec. 5.

Said churches, when so incorporated, shall be in all matters of church government and ecclesiastical polity subject to the discipline, rules and usages of the Evangelical association as from time to time authorized and declared by the general conference of said church and the annual conference in whose bounds such corporation is situated.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10966 ;-- CL 1929, 10987 ;-- CL 1948, 458.455

458.456 Meetings.

Sec. 6.

Said church when so organized may provide by by-laws for such regular and special meetings of the members thereof as may be deemed essential for the full exercise of the powers granted or reserved hereby.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10967 ;-- CL 1929, 10988 ;-- CL 1948, 458.456

458.457 Powers of corporation; rights of ministers, presiding elders and bishops.

Sec. 7.

Said church when so organized shall have all the rights, privileges and immunities appertaining to such religious corporations. It may sue and be sued; it may take and hold property both real and personal as may be necessary for the proper execution of the purpose for which it was incorporated; it may hold so much land as may be necessary for the proper purposes of said church and parsonage; it may sell, mortgage or lease real estate, when so directed by a majority of the members thereof in regular meeting. Said corporation shall at all times permit such ministers belonging to the Evangelical association as shall from time to time be duly authorized by the general conference or the annual conference within whose bounds such corporation is situated, to preach and expound God's word; and shall permit duly appointed pastors, presiding elders and bishops to perform the functions incident to their offices in accordance with the discipline and usages of the Evangelical association.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10968 ;-- CL 1929, 10989 ;-- CL 1948, 458.457

458.458 Articles of incorporation; alteration or amendment; execution and filing.

Sec. 8.

It shall be lawful for any church organized under the provisions of this act, by a majority of the members of said church, to alter or amend its articles of incorporation in any manner not inconsistent with this act, and such alteration or amendment shall become operative when a majority of the members of said church of full age shall execute amended articles, and said amended articles shall have been executed in the manner provided for in section 3 of this act, and shall have been filed as stated in section 4 of this act.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10969 ;-- CL 1929, 10990 ;-- CL 1948, 458.458 ;-- Am. 1982, Act 444, Eff. Mar. 30, 1983

458.459 Reincorporation under act; procedure.

Sec. 9.

Any church of the Evangelical association heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate may place itself under the provisions of this act by a majority of the members of said church executing articles of incorporation according to section 3 of this act, and recording the same as provided for in section 4 of this act.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10970 ;-- CL 1929, 10991 ;-- CL 1948, 458.459

458.460 Construction of acts.

Sec. 10.

In all proceedings that may arise or be brought in any of the courts of this state touching or in any way concerning churches that may be incorporated under this act, all other acts or parts of acts shall be so interpreted and construed as to give full force and effect to the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated thereunder.

History: 1899, Act 94, Imd. Eff. June 1, 1899 ;-- CL 1915, 10971 ;-- CL 1929, 10992 ;-- CL 1948, 458.460

MENNONITE BRETHREN IN CHRIST CHURCHES

Act 225 of 1899

458.501-458.514 Repealed. 1949, Act 265, Eff. Sept. 23, 1949.

UNITED MISSIONARY CHURCHES

Act 265 of 1949

AN ACT to provide for the incorporation of United Missionary churches, for the change of name of Mennonite Brethren in Christ churches, and continuation of same as United Missionary churches, and to repeal certain acts and parts of acts.

History: 1949, Act 265, Eff. Sept. 23, 1949

The People of the State of Michigan enact:

458.521 Applicability of act.

Sec. 1.

This act shall be applicable to the corporation heretofore incorporated under any general or special act as a Mennonite Brethren in Christ church, and to churches hereafter incorporated under this act as United Missionary churches.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.522 United Missionary churches; incorporation; change of name in articles.

Sec. 2.

The articles of association of every ecclesiastical corporation heretofore incorporated under any general or special act of this state as a Mennonite Brethren in Christ church in the name of which the words "Mennonite Brethren in Christ" appear are hereby amended by deleting from the name of each of such corporations the words "Mennonite Brethren in Christ" and substituting therefor the words "United Missionary". Such change of name of every such corporation shall become operative ipso facto upon the effective date of this act without the filing of any amendment to the articles of association of any such corporation.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.523 United Missionary churches; organization, number of persons.

Sec. 3.

It shall be lawful for any number of persons not less than 5, of full age, with the consent of the district superintendent of the district in which the proposed church is to be located, to organize and procure the incorporation of a United Missionary church.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.524 United Missionary churches; articles of association, certificate.

Sec. 4.

The persons desiring to organize such church shall execute and acknowledge, before any persons authorized to take acknowledgments of deeds, articles of association in writing, whereby they shall agree to organize a church which shall be governed by the discipline, rules and uses of the United Missionary church. To such articles of association there shall be attached a certificate by the district superintendent of the district in which said church is to be located, that said church was organized by the consent of said district superintendent.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.525 United Missionary churches; contents and form of articles.

Sec. 5.

Said articles of association shall contain the following items:

corporations by the laws of this state.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.527 United Missionary churches; government and policy.

Sec. 7.

Said church, when so organized, shall be in all matters of church government and ecclesiastical polity subject to the discipline, usages and ministerial appointments of the United Missionary church, as from time to time authorized by the general conference of said church, and the annual conference within whose bounds said corporation may be situated.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.528 United Missionary churches; board of trustees.

Sec. 8.

The secular affairs of said church shall be managed by a board of trustees elected and organized according to the provisions of the book of discipline of the United Missionary church, who shall hold their office until their successors are elected and accept their trust unless they previously forfeit their membership, in which case they shall also forfeit their office as a trustee.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.529 United Missionary churches; seal; powers; conveyance of property; discipline; administration of sacraments.

Sec. 9.

Said corporation may have a seal and alter the same at pleasure. It may, in its corporate name, sue and be sued in all courts of this state. It shall have power to acquire, hold, sell, move and convey property, both real and personal, in accordance with this act, and it may recover and hold all the debts, demands, rights, privileges and all property, whether real or personal, of whatsoever sort it may be, belonging or appertaining to said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had originally been vested in said corporation. The board of trustees may authorize 1 or more of said board to affix the name and seal of said corporation, and to execute and attest conveyances, notes, obligations, acquittances, and all necessary legal documents. It may sell (but not mortgage) or otherwise dispose of its personal property, and it may, under restrictions hereinafter provided, sell, mortgage or otherwise dispose of or encumber its real estate, but not for current expenses. It may hold so much land as may be needed for the proper purposes of the church and its parsonage. It may also hold, for a period not to exceed 10 years, real estate, which may be conveyed or devised to it or to said trustees to be sold and the proceeds to be used in any way for the benefit of said church, as directed in the conveyance or will. Said corporation shall at all times permit all ministers belonging to the United Missionary church as shall from time to time be duly authorized by the general conference, or the annual conference, within whose bounds the said corporation may be, to preach and expound God's Holy Word therein; and shall permit district superintendents and pastors, duly appointed, to execute the discipline of the United Missionary church, and to administer the sacraments therein.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.530 United Missionary churches; powers of trustees.

Sec. 10.

The trustees shall have power, according to the terms and limitations of the discipline of the United Missionary church, as from time to time authorized and declared by the annual conference of said church, to purchase, build, repair, lease, rent, mortgage or encumber its property: Provided, That in case of selling or disposing of real estate, the consent of the annual conference be obtained.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.531 United Missionary churches; sale of real estate, authorization; proceeds.

Sec. 11.

Whenever it shall become necessary for the payment of debts or with a view of reinvestment, to make a sale of any real estate belonging to said church, the local conference of said church may, by a vote of a majority of all the members of said quarterly conference and the consent of the annual conference of which said church shall be a part, authorize a sale of said real estate by the trustees of said church with such limitations and restrictions as the quarterly conference and annual conference may judge necessary and impose, and the trustees of said church, when so authorized, may sell and convey said property, and with the proceeds of such sale pay the debts of such corporation, or reinvest the said proceeds by the purchase or improvement of other property for the same uses, and deeded to the corporation in the same manner as provided in section 7 of this act, as said trustees may be directed by the local conference and the annual conference.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.532 United Missionary churches; abandonment of property; license to sell.

Sec. 12.

In all cases where property belonging to any church society incorporated under the provisions of this act has been abandoned or is no longer used for the purpose for which said property was acquired or for the benefit of said church society, and has not been conveyed by said society, under the provisions of this act, or said corporation has dissolved or become extinct, the title to said property belonging to said corporation shall pass to the annual conference within whose bounds said property is located. And such annual conference may by such officer or committee as said conference may designate, for that purpose apply to the circuit court for the county in which said property may be, for license to sell the same. And such license may be granted by said court, after such notice of said application as the court may direct, and thereupon said property may be sold and the proceeds of such sale applied or used as said annual conference may direct.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.533 United Missionary churches; amending articles, acknowledgment, certificate, recording.

Sec. 13.

It shall be lawful for any church organized under the provisions of this act, by a 2/3 vote of the local conference of said church, to alter or amend its articles of association in any manner not inconsistent with the provisions of this act, or the book of discipline of the United Missionary church; and such alteration or amendment shall become operative when 2/3 of the of the members of the local conference shall execute amended articles and said amended articles are acknowledged in the same manner as stated in section 3 of this act, and the district superintendent has affixed his certificate thereto, as provided in said section, and the same has been recorded or left for record, as provided in section 4 of this act.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.534 United Missionary churches; suits or proceedings.

Sec. 14.

In all proceedings or suits that may arise, or be brought in any of the courts of this state, touching or in any way concerning churches that may be incorporated under this act, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated thereunder.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.535 United Missionary churches; execution of obligations or contracts by acting trustees, validity.

Sec. 15.

It is further provided, that the execution by the acting trustees of said corporation, in proper form, of any deed, mortgage, note, bond or other obligation or contract of said corporation, shall be prima facie evidence of the proper appointment of said trustees, and that the necessary steps have been taken to give them full authority to make such transaction.

History: 1949, Act 265, Eff. Sept. 23, 1949

458.536 Act repealed; rights saved.

Sec. 16.

Act No. 225 of the Public Acts of 1899, being sections 458.501 to 458.514, inclusive, of the Compiled Laws of 1948, is hereby repealed: Provided, however, That notwithstanding the repeal thereof, all rights of every kind and nature now held or enjoyed under and by virtue thereof, and all obligations and liabilities contracted or incurred by any such corporations thereunder, or under the provisions of any law now in force, now inconsistent with the provisions of this act, shall continue of the same force and effect as though such act had not been repealed: Provided, further, That all corporations incorporated under such act shall be deemed and taken to be corporations under this act, and from and after the taking effect of this act, shall be subject to all the provisions hereof as fully as though such corporation had been incorporated hereunder.

History: 1949, Act 265, Eff. Sept. 23, 1949