

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 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 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: 1907, Act 26, Imd. Eff. Mar. 20, 1907;—CL 1915, 11061;—CL 1929, 10876;—CL 1948, 458.63.

458.64 Filing articles of association with department of commerce; signers of articles, associates, and fellow members as body politic or corporation; powers, rights, and privileges.

Sec. 4. Said articles of association shall be filed with the corporation and securities bureau of the department of commerce. When said articles of association shall have been filed, 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 rules, usages, and discipline of the Methodist Protestant church, shall thereby become and thenceforth be a body politic, or corporation, by the name expressed in the said articles of association, with all the powers, rights, and privileges appertaining to religious corporations by the laws of this state.

History: 1907, Act 26, Imd. Eff. Mar. 20, 1907;—CL 1915, 11062;—CL 1929, 10877;—CL 1948, 458.64;—Am. 1982, Act 123, Imd. Eff. Apr. 19, 1982.

458.65 Church government; ecclesiastical polity.

Sec. 5. Said church, when so organized, shall be in all matters of church government and ecclesiastical polity subject to the discipline, rules and usages, and ministerial appointments of the Methodist Protestant 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: 1907, Act 26, Imd. Eff. Mar. 20, 1907;—CL 1915, 11063;—CL 1929, 10878;—CL 1948, 458.65.

458.66 Secular affairs; management; board of trustees, election, term.

Sec. 6. The secular affairs of said church shall be managed by a board of trustees, consisting of not less than 3, nor more than 9 members of the association, elected and organized according to the provisions of the discipline of the Methodist Protestant church, who shall hold office until their successors have been elected and entered upon the 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.