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.

The People of the State of Michigan enact:

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.

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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

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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.

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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

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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.

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