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:

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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

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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 devises 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

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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.

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