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

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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.

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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

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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

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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

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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