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

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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

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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

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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.

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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.

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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

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