

BAPTIST CHURCHES

Act 54 of 1899

AN ACT to provide for the incorporation of Baptist churches; and to impose certain duties upon the department of commerce.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—Am. 1982, Act 446, Eff. Mar. 30, 1983.

The People of the State of Michigan enact:

458.101 Baptist church; adopting articles of incorporation; election of deacons or trustees; execution, acknowledgment, contents, and filing of certificate; corporation; name.

Sec. 1. That whenever a Baptist church shall desire to possess corporate powers and privileges, the members thereof present at any regular church or covenant meeting duly called as hereinafter provided, may by the vote of a majority of the members of such church then present, adopt articles of incorporation in accordance with the provisions of this act, and may thereupon proceed under the provisions of this act to elect the deacons or other persons whom the church may desire to act as its trustees, in number not less than 3 nor more than 9, and it shall then be the duty of the deacons or other persons so elected as trustees for said church, to proceed to execute and acknowledge before any person authorized to take acknowledgment of deeds, a certificate which shall contain:

First, The corporate name of the church;

Second, The township, city or village, and county in which the church is located;

Third, The period for which the church is incorporated, which shall not exceed 30 years;

Fourth, A copy of the records of the vote or resolution of the church authorizing the preparation of the articles of association, as well as a like copy of the vote or resolutions of the church accepting or adopting such articles;

Fifth, A copy of the articles of association so adopted.

Such certificate shall be signed by the aforementioned deacons, or trustees, and when duly acknowledged by the signers thereof, shall be filed with the corporation and securities bureau of the department of commerce, and thereupon the deacons or trustees elected as herein provided, and their successors, together with the members of said church, shall become a corporation known by the name expressed in said certificate.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10942;—CL 1929, 10901;—CL 1948, 458.101;—Am. 1982, Act 446, Eff. Mar. 30, 1983.

458.102 Trustees; qualifications, election.

Sec. 2. The deacons or other persons who shall serve the church as trustees under this act shall be citizens of the United States, 21 years of age or over when elected to office and shall be elected by ballot in accordance with the usage and custom of said church, or in such manner as may be provided in their articles of association.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10943;—CL 1929, 10902;—CL 1948, 458.102.

458.103 Trustees; term of office.

Sec. 3. The deacons or other persons who may be elected as trustees shall hold their office for such length of time, and upon such conditions as the church may designate in their articles of association.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10944;—CL 1929, 10903;—CL 1948, 458.103.

458.104 Trustees; subject to control of church; purchase and sale of realty.

Sec. 4. The trustees shall be subject, in all their official duties, to the control and direction of the church, and in case the church shall desire to buy, sell or lease real estate, then a notice declaring such desire and intention, which shall designate the property to be bought, sold or leased, shall be read at the regular church or covenant meeting next preceding the regular meeting, at which final action shall be taken authorizing such purchase, sale or lease; and after such authority shall have been so granted by the church, the trustees shall have full power to purchase, sell or lease such real estate upon such terms and conditions as shall not be inconsistent with the instructions given by the church.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10945;—CL 1929, 10904;—CL 1948, 458.104.

458.105 Trustees; powers.

Sec. 5. Such trustees may have a common seal, and may alter the same at pleasure; and they may take into their possession and custody all the temporalities of such church, whether the same shall consist of real or

personal estate, and whether the same may have been given, granted or devised, directly or indirectly, to such church, or to any person or persons for their use.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10946;—CL 1929, 10905;—CL 1948, 458.105.

458.106 Trustees; corporate powers; taxation.

Sec. 6. Such trustees may also, in their corporate name, sue and be sued in all courts and places; and they may recover and hold all the debts, demands, rights and privileges due to any church or churches for which they shall be trustees, together with all buildings, burying places, and all the estate and appurtenances belonging to such church or churches in whatsoever manner the same may have been acquired or in whose hands soever the same may be held, as fully as if the right and title thereto had been originally vested in said trustees. And they may hold in perpetuity, lease, sell or construct buildings upon such lands as may be lawfully acquired in the corporate name of such church or churches, or in the name of the trustees acting on behalf of such church or churches, the income from such property, if any, to be used exclusively for church finances. Any land so held by such church or churches, either in the corporate name of any such church or churches or in the name of the trustees on behalf of such church, which is used for purposes other than places of worship, schools, cemeteries, parsonages or other purposes connected directly with the object of such church as a house of worship, shall be subject to taxation the same as property which may be held by private individuals or corporate bodies organized for profit; and the title to any such property which shall be used for any purpose other than a place of worship, a school, a parsonage or a cemetery and the appurtenances thereto, and from which a profit shall be derived, shall not be held for a longer period than 15 years from the date when such church or the trustees thereof acquired such title.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10947;—Am. 1917, Act 274, Eff. Aug. 10, 1917;—CL 1929, 10906;—CL 1948, 458.106.

458.107 Trustees; election in certain case; dissolution, convention legal successor.

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 Baptist convention of the state of Michigan, a corporation organized and existing under an act of the legislature of the state of Michigan, entitled "An act to incorporate the Baptist convention of the state of Michigan," approved February sixteenth, A.D. 1842, and the statutes amendatory thereto, 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.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10948;—CL 1929, 10907;—CL 1948, 458.107.

458.108 Reincorporation under act; procedure.

Sec. 8. Any Baptist church or any Baptist church and society incorporated or organized under the laws of this state, may elect to dissolve their existing corporation and take corporate powers under this act: Provided, The consent of the majority of the members of said church or church and society who may be present at such meeting can be obtained at any regular church or covenant meeting of the church: Provided also, That notice shall be given to said church or church and society to meet with the church at its regular church or covenant meeting for the purpose of dissolving said corporation with a view of organizing under the provisions of this act, said notice to be given on the last 2 Sundays preceding the day on which the act of dissolution shall be taken.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10949;—CL 1929, 10908;—CL 1948, 458.108.

458.109 Certificate of dissolution; execution; acknowledgment; recording; powers, privileges, duties, trusts, and obligations of new organization.

Sec. 9. If such consent for dissolving such corporation for the purposes as above mentioned shall be so obtained, then a certificate containing an account of such dissolution shall be executed and acknowledged by the presiding officer and secretary of said meeting, and be recorded in the corporation and securities bureau of the department of commerce, and on compliance with the provisions of this act all the property, powers, privileges, duties, trusts, and obligations of every kind possessed by or pertaining to the original corporation thus dissolved shall pass to and be possessed by the new organization.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10950;—CL 1929, 10909;—CL 1948, 458.109;—Am. 1982, Act 446, Eff. Mar. 30, 1983.

458.110 Amendment of articles; procedure.

Sec. 10. At any time after such church shall have become duly organized under this act, it shall be lawful for any such church, at any regular meeting thereof, of which proper notice shall have been given, as hereinafter provided, by a vote of 2/3 of the members present at such meeting, to amend its articles of association in any manner not inconsistent with the provisions of this act, and such amendments shall become operative on filing a copy of the same, certified by the moderator or chairman and clerk of such meeting, and duly acknowledged by an officer authorized to take acknowledgment of deeds, with the corporation and securities bureau of the department of commerce.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10951;—CL 1929, 10910;—CL 1948, 458.110;—Am. 1982, Act 446, Eff. Mar. 30, 1983.

458.111 Amendment of articles.

Sec. 11. Whenever it shall be purposed to alter or amend the articles of association of any church organized under this act, such alteration or amendment shall not be adopted until the expiration of at least 3 weeks from the day of the meeting on which the same shall have been first introduced before the church, and such proposed alteration or amendment shall be reduced to writing, when it shall be introduced, and shall not be amended on the same day on which it shall be adopted.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10952;—CL 1929, 10911;—CL 1948, 458.111.

458.112 Construction of inconsistent acts.

Sec. 12. In all cases which may arise in any of the courts of this state in connection with any church which may be incorporated under this act, and in all suits in law or equity to which any such church may be a party, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such a manner as to give full force to all the rights and privileges hereby granted or intended to be granted.

History: 1899, Act 54, Imd. Eff. May 2, 1899;—CL 1915, 10953;—CL 1929, 10912;—CL 1948, 458.112.