CONGREGATIONAL CHURCHES
Act 53 of 1901

AN ACT for the organization of corporate Congregational churches; and to impose certain duties upon the department of commerce.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1982, Act 83, Imd. Eff. Apr. 19, 1982.

The People of the State of Michigan enact:

458.301 Congregational church; incorporators; articles, execution, contents.

Sec. 1. It shall be lawful for any number of persons of full age, not less than 5, who may desire to form themselves into a Congregational church, to adopt, 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, according to the faith and usages of the churches commonly called Congregational, under the name and style set forth in said articles, which 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. An agreement to worship and labor together as a church according to the faith and usages of the churches commonly called Congregational.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11016;—CL 1929, 10950;—CL 1948, 458.301.

458.302 Election, qualifications, and terms of trustees; filing articles of association and certificate of election with department of commerce; effect.

Sec. 2. The persons signing said articles may, at the same time, elect by ballot, or may designate some other time and place for so electing, not less than 3 nor more than 12 trustees, a majority of whom shall be members of said church, to serve until their successors shall be elected. One-third of said trustees as near as may be shall, at the first election, be chosen for 3 years, 1/3 for 2 years, and 1/3 for 1 year, but thereafter, except to fill vacancies, they shall be chosen for 3 years, of which election a full record shall be made, and a certified copy of such record, signed by the presiding officer and secretary of the meeting at which said election is held, together with said articles of association, shall be filed with the corporation and securities bureau of the department of commerce. When said articles of association and the certificate of election of said trustees shall have been so filed for record, the persons who shall have signed said articles, together with those who shall thereafter become members of said church, and, if the articles of association so provide, those persons, being of legal age, who are, and those who shall become regular contributors to the support of said church, shall become and be a body corporate under the name and style adopted in said articles, which name shall conform to the following form, namely: The (insert name or number) Congregational church of (insert name of place of location).

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11017;—CL 1929, 10951;—CL 1948, 458.302;—Am. 1982, Act 83, Imd. Eff. Apr. 19, 1982.

458.303 Amendment of articles of association.

Sec. 3. It shall be lawful for said corporation at any regular or called meeting of its members, due notice having been given as hereinafter provided, by a 2/3 majority of the ballots cast at such meeting, to amend its articles of association in any manner not inconsistent with the provisions of this act, and such amendment shall become operative when a copy of the same, duly certified by the presiding officer and clerk of such meeting, and acknowledged before any person authorized to take acknowledgment of deeds, shall be filed with the corporation and securities bureau of the department of commerce.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11018;—CL 1929, 10952;—CL 1948, 458.303;—Am. 1982, Act 83, Imd. Eff. Apr. 19, 1982.

458.304 Right to vote.

Sec. 4. At all meetings of said corporations, subsequent to the first, right to vote upon questions involving the acquirement and disposition of property and the expenditure of money shall be confined to adult members of the church so incorporated, and, if the articles of association so provide, those persons, being of legal age, who are regular contributors to its support: Provided, That if said church shall have suspended worship, the right to vote shall be determined as of the date of such suspension.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1905, Act 84, Imd. Eff. May 3, 1905;—Am. 1913, Act 298, Eff. Aug. 14, 1913;

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—CL 1915, 11019;—CL 1929, 10953;—CL 1948, 458.304.

458.304a Congregational churches; by-laws, adoption, subjects, amendment or repeal.

Sec. 4a. Every such corporation shall have authority to adopt by-laws at any regular or special meeting called for that purpose, upon the approval of such proposed by-laws by a majority vote of its membership. The notice of such regular or special meeting shall contain a statement that by-laws are to be considered for adoption, alteration, amendment or repeal, except as otherwise prescribed in this act, or the articles of association, said by-laws may determine the qualification of members; the manner in which they shall be admitted, suspended or expelled; the number and official title of the person or persons who control the business and religious affairs of such corporation; their terms of office; the manner of their selection and removal from office; their respective official duties; the time and manner of calling and holding church business meetings and the number of members constituting a quorum; the manner and condition under which property, both real and personal, may be acquired, held and disposed of; provisions for direction and control of the board of trustees in the exercise of their powers and duties; provisions not inconsistent with the articles of association for officers, their designations and duties and for the qualification of members to vote at meetings; and such other by-laws as may be deemed necessary for the management of the business and religious affairs of such corporation. The by-laws may prescribe how the same may be altered, amended or repealed.

History: Add. 1955, Act 254, Imd. Eff. June 29, 1955.

458.305 Notice of meetings; amendments.

Sec. 5. Notice of meetings of said corporation, specifying the time, place, and object thereof, shall be read from the pulpit on the 2 successive Sundays preceding such meeting on which services shall be held: Provided, however, That in case it is proposed to amend the articles of association, the proposed amendment, together with a notice of the meeting called for its consideration, shall be read from the pulpit on the 3 successive Sundays, immediately preceding such meeting on which services shall be held; and the proposed amendment shall not itself be amended, in any material point, in the meeting so called for its consideration: And Provided further, That if there should be no public services at which the notice herein required may be given, said notice may be posted on the church door or published in the town, city or county newspaper whose circulation among the members is greatest, for 3 weeks preceding such meeting, specifying the time and place and object thereof.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11020;—CL 1929, 10954;—CL 1948, 458.305.

458.306 Powers of board of trustees; limitations; election of trustees and officers.

Sec. 6. In the management of the secular affairs of the church so incorporated and of the business of said corporation, but subject always to its direction and control, the board of trustees thereof shall have and exercise all such powers of the board of directors of a business corporation as are appropriate to the purposes and business of a religious corporation: Provided, however, That said board of trustees shall not choose, call, settle or dismiss a pastor or fix his salary or buy, sell, convey or incumber real estate or any right thereto or interest therein, unless instructed so to do by said corporation at a regularly called meeting: And provided further, That members of the board of trustees and such other officers as may be provided for in the articles of association shall be elected by ballot at a regularly called meeting of those entitled to vote under the articles of association.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11021;—CL 1929, 10955;—CL 1948, 458.306.

458.307 Powers of corporation; seal; offerings and funds for certain purposes.

Sec. 7. Such corporation may have a seal and alter the same at will. It may, in its corporate name, sue and be sued in all courts of competent jurisdiction. Subject to the provisions of this act it shall have power to choose, call and settle a pastor and fix his salary; to elect trustees, treasurer and clerk and such other officers as may be provided for in its articles of association; to direct and control their actions; to acquire, hold, manage, control, sell and convey property both real and personal; to hold and recover all debts, damages, rights, privileges and all property, real, personal or mixed of whatsoever nature they or it may be and in whosoever hands held, belonging or appertaining to said church or to the religious organization out of which it is incorporated or reincorporated the same as if the right and title to said property had originally been vested in said corporation. It may hold so much real estate as may be needed for the purpose of church building, parsonage and cemetery purposes and of any so-called institutional activities; it may also hold for a period not exceeding 10 years, such real estate as may be conveyed or devised to it even though the same be not needed

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for the purposes above mentioned or be actually occupied by it in the exercise of its franchises: Provided, however, That all property of said corporation whether real, personal or mixed or whether held in fee or in trust and the income therefrom and the proceeds thereof when sold shall, subject to the terms of any trust or trusts relating thereto or to any part thereof, be held and used by said corporation for the benefit of said church as a Congregational religious organization, and for no other purpose whatsoever, except as provided in section 8 of this act. Said corporation may and shall hold in perpetuity as a permanent fund all property given, bequeathed or devised to it or acquired by it for the purpose of an endowment, the income from which fund, subject to the terms of any specific trust or trusts relating thereto, or to any particular part thereof, may be used for any lawful purposes of said church or corporation: Provided, That as to real estate, said property, when so required by law, may be sold and the proceeds from such sale covered into said fund: And Provided further, That said corporation, in the lawful administration of said fund, may sell any property therein and re-invest the proceeds of such sale in such securities and other property as shall be lawful investments for savings banks and trustees in this state, said property and securities when acquired, to become a part of the principal of said fund: And Provided further, That none of the offerings of said church received or collected for missionary or benevolent purposes shall be used for the current running expenses of said church or corporation; nor shall any fund or funds, money or other property received, set aside, accumulated or acquired for a specific purpose be diverted to any other use without the consent of the donor or his duly authorized representatives.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11022;—CL 1929, 10956;—CL 1948, 458.307.

458.308 Corporation declared extinct; dissolution, procedure; title, vesting in conference, powers and duties.

Sec. 8. In all cases where the property of any corporation subject to the provisions of this act has been abandoned, or is no longer used for the benefit of said corporation as a Congregational religious organization, or if said corporation has for a period of 2 years ceased to exercise its corporate functions, or to hold regular religious services, then, in any or all of such cases, the local association of churches with which it is, or has last been connected may, by resolution declare the said corporation extinct and may notify the Michigan Congregational Conference, a corporation organized and existing under and by virtue of the laws of this state, of such resolution. Upon receiving such notice the said conference by its executive committee or such officer as said committee may designate, may apply to any court of equity jurisdiction in the county in which said property may be, for a decree, dissolving said corporation and vesting the title to its property in the said Michigan Congregational Conference. The application for such decree shall contain a statement of the reasons for said action and there shall be annexed thereto a duly certified copy of the resolution of the local association of churches to which said corporation belonged, declaring said church extinct, as above provided. Upon the filing of said application an order shall be entered, requiring all persons interested in said corporation, to show cause if any they have why such corporation should not be dissolved, at some time and place to be therein specified, not less than 4 weeks from the date thereof. Notice of the contents of such order shall be published once in each week for 3 successive weeks in a newspaper published in said county, if any such there be, and if not, in such newspaper of general circulation in said county as the court may direct. On the day appointed in such order, or on any day to which the court may adjourn the proceedings, if it shall appear to the court that the facts set forth in said application are true, a decree shall be entered, dissolving said corporation and vesting the title to its property in the said Michigan Congregational Conference, and such corporation shall thereupon be dissolved and the title to its property shall vest in the said Michigan Congregational Conference, which shall hold the said property, or the proceeds thereof if, in its judgment, it shall be deemed wise to sell it, in trust for 2 years and if, within said time, a Congregational church shall be incorporated under this act as the successor of the church so dissolved and shall be received in due form as a member of the local association to which the said church belonged at the time of its dissolution, it shall be the duty of the said Michigan Congregational Conference, on receiving satisfactory proof of said facts, to convey the said property or the proceeds thereof to the said church so incorporated which shall then be deemed to be in all respects the successor of the said church so dissolved, and shall succeed to all of its rights, privileges, property and obligations, except as above provided, as if said corporation had not been dissolved. But if no such church is so organized and incorporated, the absolute title to said property shall vest in the said Michigan Congregational Conference, subject to all trusts affecting the same in the hands of the dissolved corporation.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11023;—CL 1929, 10957;—CL 1948, 458.308.

458.309 Incorporation under act; procedure.

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Sec. 9. Any church or religious organization, whether incorporated or un-incorporated, may, at a meeting duly called for the purpose, by a 2/3 vote of those persons present and voting, place itself under the provisions of this act, the same as if incorporated under it by adopting and filing articles of association as provided in section 2 hereof.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11024;—CL 1929, 10958;—CL 1948, 458.309.

458.310 Construction of inconsistent acts.

Sec. 10. In all cases, whether in law or in equity, that may arise in any of the courts of the state, regarding churches incorporated under this act, or those which by vote shall have put 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 the provisions of this act.

History: 1901, Act 53, Imd. Eff. Apr. 9, 1901;—Am. 1913, Act 298, Eff. Aug. 14, 1913;—CL 1915, 11025;—CL 1929, 10959;—CL 1948, 458.310.

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