Title 27

Religion

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Chapter 1
RELIGIOUS SOCIETIES AND CORPORATIONS

§ 101 Formation; increasing or decreasing number of trustees.

(a) Any religious society or congregation consisting of 15 or more persons may become incorporated by the election of not less than 3 trustees and the taking of a name and certifying the same under the hands and seals of the trustees to the recorder of deeds.

(b) (1) Such society or congregation may from time to time increase the number of trustees and may decrease the number to not less than 3 by a vote of the society or congregation at a public meeting called for that purpose in the same manner as provided in § 105 of this title for the election of trustees, voting and counting the votes as provided therein.

(2) If the society or congregation by a plurality of votes of the members present determines to increase or diminish the number of trustees, such fact shall be certified to the recorder in the county in which such society or congregation has property, to be by the recorder recorded in the deed records thereof, which certificate shall set forth the number of trustees heretofore contained in the act of incorporation and the number fixed by the meeting provided for by this chapter and shall be signed by a majority of the new board of trustees. The recorder shall receive the same fees now provided by law for like services.

(26 Del. Laws, c. 89, § 1; Code 1915, § 2164; Code 1935, § 2471; 27 Del. C. 1953, § 101; 50 Del. Laws, c. 70, § 1; 54 Del. Laws, c. 91; 84 Del. Laws, c. 42, § 134.)

§ 102 Corporate powers.

The trustees elected and their successors shall be a corporation by the name adopted and certified. The corporation shall have perpetual succession with all the incidents and franchises of a corporation aggregate and may purchase, receive, hold, mortgage and enjoy property, real and personal, for the use of the society or congregation, their ministers or members or for schools, almshouses or burying grounds. The act of a majority of the trustees shall be valid.

(26 Del. Laws, c. 89, § 4; Code 1915, § 2167; Code 1935, § 2474; 27 Del. C. 1953, § 102.)

§ 103 Change of name.

If at any time three fourths of the trustees of the corporation created under this chapter or under Chapter 39 of the Code of 1852 shall think it wise to change the name of the corporation, they may do this by certifying the same, under the hands and seals of three fourths of the trustees, to the recorder, as provided for in the case of the filing of the original certificate mentioned in § 101 of this title.

(26 Del. Laws, c. 89, § 2; Code 1915, § 2165; Code 1935, § 2472; 27 Del. C. 1953, § 103.)

§ 104 Estate vested in corporation.

All the estate, right and title which any such society or congregation may have in any property, real or personal, in themselves, or by trustees, or for their use before incorporation shall upon incorporation become vested in the corporation, which may grant, demise or dispose thereof.

(26 Del. Laws, c. 89, § 5; Code 1915, § 2168; Code 1935, § 2475; 27 Del. C. 1953, § 104.)

§ 105 Election of trustees.

The trustees shall be elected at a public meeting of the society or congregation, held at their usual place of worship, on 10 days notice by advertisements at the front door of such place and by a plurality of votes of the members present.

(26 Del. Laws, c. 89, § 3; Code 1915, § 2166; Code 1935, § 2473; 27 Del. C. 1953, § 105.)

§ 106 Vacancies among trustees.

Other trustees may be elected, and vacancies filled by election as prescribed in § 105 of this title and the election of a successor to any trustee shall remove that trustee from office.

(26 Del. Laws, c. 89, § 6; Code 1915, § 2169; Code 1935, § 2476; 27 Del. C. 1953, § 106; 70 Del. Laws, c. 186, § 1.)

§ 107 Appointment of chair; powers and duties; access to records.

The trustees shall choose 1 of their number as chair. The chair shall have custody of the seal and all books and papers of the corporation, shall make fair entries therein of all the proceedings of the trustees and every member of the society or congregation shall have access thereto.

(26 Del. Laws, c. 89, § 7; Code 1915, § 2170; Code 1935, § 2477; 27 Del. C. 1953, § 107; 70 Del. Laws, c. 186, § 1.)

§ 108 Appointment and duties of treasurer.

The trustees may also choose 1 of their number as treasurer and may require the treasurer to give security. The treasurer shall receive and account for all the money of the corporation. If no treasurer be chosen, the chair shall receive and account for such money.

(26 Del. Laws, c. 89, § 9; Code 1915, § 2172; Code 1935, § 2479; 27 Del. C. 1953, § 108; 70 Del. Laws, c. 186, § 1.)

§ 109 Registry of births, deaths, burials and marriages; certified copies as evidence.

The registry kept in any religious corporation’s books of marriages, births, deaths or burials shall be evidence in all courts. A copy of

any entry, certified under the corporate seal and hand of the chair, shall be evidence.

(26 Del. Laws, c. 89, § 8; Code 1915, § 2171; Code 1935, § 2478; 27 Del. C. 1953, § 109; 70 Del. Laws, c. 186, § 1.)

§ 110 Gifts or grants to religious corporations.

Every religious corporation may take and hold by gift, devise, will, deed or lease real estate or moneys, securities or other things of value to be laid out in real estate and personal property of all kinds and may alien, mortgage or otherwise encumber and dispose of the same at pleasure, unless restricted by the provisions of such gift, devise, will, deed or lease.

(26 Del. Laws, c. 89, § 11; Code 1915, § 2174; 29 Del. Laws, c. 167; Code 1935, § 2481; 27 Del. C. 1953, § 110.)

§ 111 Validating certain religious corporations.

All religious corporations of this State incorporated prior to March 14, 1911, under the General Corporation Law and all religious corporations of this State incorporated since March 10, 1899, under Chapter 39 of the Revised Code of the State of Delaware, as published in 1893, and under §§ 115-118 of this title are good, valid, lawful and effective in law and all lands vested in, conveyed to and by such corporations shall vest a good fee simple title or other estate therein purported to be conveyed, and all acts and things done or to be done by such corporations or their officers in the usual and due course of the business of such corporations and within the lawful scope of the rights and powers conferred by the respective acts under which they were incorporated, and in pursuance of the lawful purposes for which such corporations were created, are good, valid, lawful and effective to perform and do what they purport to perform and do. The record of any such deed recorded or to be recorded, or other completed act done or to be done, or any office copy of such deed or other act, shall be admitted in evidence in all courts of this State, and shall be valid and conclusive evidence, with the same force and effect as if no doubt existed as to the validity of the incorporation of such religious societies under either chapter.

(26 Del. Laws, c. 90; Code 1915, § 2180; Code 1935, § 2487; 27 Del. C. 1953, § 111.)

§ 112 Conveyances and grants to ecclesiastical officers.

No grant, conveyance, devise or lease of personal or real estate to, nor any trust of such personal or real estate for the benefit of any person, and that person's successor or successors in any ecclesiastical office, shall vest any estate or interest in such person or such person's successor. No such grant, conveyance, demise or lease to or for any such person by the designation of any such office shall vest any estate or interest in any successor of such person. This section shall not be deemed to admit the validity of any such grant, conveyance, devise or lease made prior to its enactment.

(11 Del. Laws, c. 275, § 1; Code 1915, § 2181; Code 1935, § 2488; 27 Del. C. 1953, § 112; 70 Del. Laws, c. 186, § 1.)

§ 113 Conveyances and grants to religious corporations.

No grant, conveyance, devise or lease of any real estate dedicated or appropriated or intended to be dedicated or appropriated, to purposes of religious worship for the use of any congregation or society shall vest any right, title or interest in any person or persons to whom such grant, conveyance, devise or lease is made unless such grant, conveyance, devise or lease shall be made, both in form and in fact, to a corporation organized according to the provisions of the laws of this State, as contained and provided in and by this chapter.

(11 Del. Laws, c. 275, § 2; Code 1915, § 2182; Code 1935, § 2489; 27 Del. C. 1953, § 113.)

§ 114 Formation of Protestant Episcopal Church corporations.

The rector, wardens and vestrymen of any Protestant Episcopal Church, on certifying their name or style as provided in § 101 or § 103 of this title, shall be a corporation with the franchise, rights and powers therein vested in trustees of other religious societies.

(26 Del. Laws, c. 89, § 10; Code 1915, § 2173; Code 1935, § 2480; 27 Del. C. 1953, § 114.)

§ 115 Formation of Roman Catholic Church corporations.

In every congregation of the Roman Catholic Church, the ordinary of the diocese, the pastor of the congregation for the time being, according to the practice and discipline of the Church, 1 other person annually designated by the ordinary, and 2 other persons annually elected by the members of the congregation from among their number (the annual election and appointment to be made when designated by the ordinary in each and every year, with the incumbents to hold office until their respective successors shall be so elected or appointed, as the case may be), shall be constituted a body politic and corporate, under such title as may be assumed by the corporation, and recorded in a certificate under the hands and seals of the corporators first chosen or otherwise entitled to office under the terms of this chapter. The certificate shall be acknowledged before any person entitled to take acknowledgments of instruments to be used in this State and recorded among the corporation records of the county wherein the congregation has or possesses a place of worship.

(19 Del. Laws, c. 599, § 1; Code 1915, § 2716; Code 1935, § 2483; 27 Del. C. 1953, § 115; 59 Del. Laws, c. 29.)

§ 116 Additional powers of Roman Catholic Church corporations; records; pastor as president.

Every Roman Catholic Church corporation, in addition to the powers now possessed by religious corporations by virtue of the laws of this State, may appoint the hour and place of the meeting at which the 2 of its members annually elected shall be chosen and the manner in which such election shall be held and shall provide a good and sufficient record book wherein shall be registered from time to time all of its proceedings, which record shall at all times be open to inspection by any member of the congregation or any ecclesiastical officer of the denomination of Christians having, according to the discipline and practice thereof, authority over the congregation or the right to be informed concerning its management and interests of the corporation. The pastor of the congregation for the time being (if any there be)

shall always be present. It may frame such rules and ordinances for the orderly conduct of divine worship and the advancement of the interests of the congregation as a majority of the corporation may from time to time deem necessary, provided that the same shall not conflict with the constitution or laws of the United States or of this State, or with the discipline and practice of the denomination.

(19 Del. Laws, c. 599, § 2; Code 1915, § 2177; Code 1935, § 2484; 27 Del. C. 1953, § 116.)

§ 117 Filling vacancies among corporators of Roman Catholic Church corporations; change of name.

(a) (1) If at any time 1 of the annually elected corporators of a Roman Catholic Church corporation dies, resigns or becomes disqualified by ceasing to be a pewholder of the church, it shall be competent for the remaining members of the corporation to appoint a successor to the one so dying, resigning or becoming disqualified, which successor shall hold office until someone to fill that successor's place shall be chosen at the next annual meeting of the congregation.

(2) If at any time the member annually appointed by the ordinary of the diocese dies or resigns, it shall be competent for the ordinary to fill the vacancy in the corporation by appointing another person to serve for the remainder of the term of the one so dying or resigning and until a successor thereto shall be duly chosen according to the terms of this chapter.

(b) If at any time the corporators for the time being think it wise to change the name of the corporation, they may do the same by a certificate under their hands and seals to be acknowledged and recorded as provided for in the case of the original certificate mentioned in § 115 of this title.

(19 Del. Laws, c. 599, § 3; Code 1915, § 2178; Code 1935, § 2485; 27 Del. C. 1953, § 117; 84 Del. Laws, c. 42, § 1.)

§ 118 Conveyances to Roman Catholic Church corporations; prior gifts to inure to benefit of newly formed corporations.

Any person, individual or corporation holding land or goods and chattels or any interest therein in trust for any particular church or congregation, church society, congregation of the denomination wherein a Roman Catholic Church corporation is formed in accordance with the terms of this chapter, who conveys the same to the corporation as soon as possible after its formation under the terms of this chapter and any gift, devise, or bequest made to any such congregation, or to any person, individual or corporation in trust therefor, shall inure to the benefit of the corporation to be formed in such congregation (if any such corporation is so formed according to the terms of this chapter), whether the corporation is or is not accurately described in such gift, devise or bequest, provided that the intention of the donor or testator is clear that the same should inure to the benefit of the congregation.

(19 Del. Laws, c. 599, § 4; Code 1915, § 2179; Code 1935, § 2486; 27 Del. C. 1953, § 118.)

Chapter 3
Sunday Schools and Young Men's Christian Associations

§ 301 Formation.

Any 10 or more persons associated together for the promotion of the interests of Sunday schools, or as a Young Men's Christian Association for the promotion of religious knowledge and improvement, may become incorporated by the election of managers, not less than 3 nor more than 12, and by taking a corporate name and certifying the same, together with the object of the incorporation, under the hands and seals of the managers, to the Recorder of the county, who shall record such certificate.

(13 Del. Laws, c. 419, § 1; Code 1915, § 2186; Code 1935, § 2493; 27 Del. C. 1953, § 301.)

§ 302 Powers.

The managers elected shall, upon the recording of the certificate, become a body corporate by the name adopted and certified. The corporation shall have succession for 20 years, may sue and be sued and may purchase, receive, hold and enjoy property, real and personal, for the use and objects of the association and may ordain bylaws for the regulation of its affairs not inconsistent with the laws of this State or of the United States. Such corporation shall hold no real estate except such as is actually occupied and used for the purposes specified in the certificate of incorporation.

(13 Del. Laws, c. 419, § 2; Code 1915, § 2187; Code 1935, § 2494; 27 Del. C. 1953, § 302.)

§ 303 Election and powers of managers; appointment of officers.

The officers of the corporation, in addition to the managers, shall be a president, who shall be 1 of the managers, a secretary, a treasurer, and such other officers as the bylaws prescribe. The managers shall be elected annually at such place and in such mode as the bylaws direct, and upon their election the managers shall appoint and may from time to time by resolution remove and reappoint the president, secretary, treasurer and other officers of the corporation. The managers shall have the management of the affairs and business of the corporation, and the acts of a majority shall be valid.

(13 Del. Laws, c. 419, § 3; Code 1915, § 2188; Code 1935, § 2495; 27 Del. C. 1953, § 303.)

§ 304 Revocation of corporate powers.

The General Assembly reserves the power at any time to revoke the corporate powers of any association incorporated under this chapter.

(13 Del. Laws, c. 419, § 4; Code 1915, § 2189; Code 1935, § 2496; 27 Del. C. 1953, § 304.)

Chapter 5
SABBATH SCHOOLS

§ 501 Annual return in Sussex County.

In Sussex County, the teachers or persons having charge of a Sabbath school shall return to the County Council in March, annually, the manner in which any appropriation has been applied and the vouchers therefor. In default of such return, the County Council shall make no appropriation to the school for the next year.

(Code 1852, § 703; Code 1915, § 2191; Code 1935, § 2498; 27 Del. C. 1953, § 502.)

Chapter 7

Miscellaneous Provisions [Repealed].

§§ 701-704 Permit for religious camp meetings; composition of permit commission; powers and duties of commission; issuance of permit; regulations; fee; holding meetings without permit; exceptions; penalties [Repealed].

Repealed by 77 Del. Laws, c. 273, § 1, effective May 21, 2010.