

291 s. 3; Stats. 1923 s. 187.08; Stats. 1925 s. 187.04.

187.05 History: 1875 c. 123 s. 1 to 3, 5; R. S. 1878 s. 1998; Stats. 1898 s. 1998; 1903 c. 198 s. 1; Supl. 1906 s. 1998 a; 1907 c. 171; Stats. 1911 s. 1998, 1998a, 1998m; 1923 c. 291 s. 3; Stats. 1923 s. 187.09 to 187.11; Stats. 1925 s. 187.05; 1931 c. 293 s. 1.

187.06 History: 1875 c. 123 s. 4; R. S. 1878 s. 1999; Stats. 1898 s. 1999; 1923 c. 291 s. 3; Stats. 1923 s. 187.12; Stats. 1925 s. 187.06.

187.07 History: R. S. 1839 p. 136; R. S. 1849 c. 47 s. 21; R. S. 1858 c. 66 s. 23; R. S. 1878 s. 2000; Stats. 1898 s. 2000; 1913 c. 471; 1923 c. 291 s. 3; Stats. 1923 s. 187.13; Stats. 1925 s. 187.07.

Land conveyed to trustees for the use of a religious society for a church, under the statute of 1839, descended in perpetuity to their successors in office for the purpose intended; and no violation of the trust would revest the title in the grantors unless so expressed in the deed. *Strong v. Doty*, 32 W 381.

A trust in favor of a religious society does not suspend the power of alienation. The trustees may lease, mortgage, sell or otherwise dispose of the real estate conveyed to them. Upon the incorporation of the society the legal title vests in the corporation, and the property becomes subjected to the exclusive control of the trustees for the use of the society. The use of the church edifice must be restricted to the purposes specified in the grant. *Fadness v. Braunborg*, 73 W 257, 41 NW 84.

Sec. 2000, Stats. 1898, does not create any statutory trust in property held by the bishop, although 2001-10 recognizes him as the only trustee of the Roman Catholic church in his diocese. *Katzer v. Milwaukee*, 104 W 16, 80 NW 41.

Where a majority withdraws and organizes a new church of a different denomination, the minority, adhering to the original society, are entitled to the use and occupation of the church building held in trust for the society. *Cape v. Plymouth Congregational Church*, 117 W 150, 93 NW 449.

187.08 History: 1913 c. 471; Stats. 1913 s. 2000a; 1923 c. 291 s. 3; Stats. 1923 s. 187.14; Stats. 1925 s. 187.08; 1931 c. 293 s. 1.

187.09 History: 1874 c. 88; R. S. 1878 s. 2001; 1879 c. 94; Ann. Stats. 1889 s. 2001; 1895 c. 386; Stats. 1898 s. 2001; 1923 c. 291 s. 3; Stats. 1923 s. 187.15; Stats. 1925 s. 187.09.

187.10 History: 1880 c. 284 s. 1 to 9; Ann. Stats. 1889 s. 2001a; 1893 c. 174 s. 1 to 5; 1897 c. 54; Stats. 1898 s. 2001—1 to 2001—9; 1913 c. 471; 1919 c. 679 s. 88; 1923 c. 291 s. 3; Stats. 1923 s. 187.16 to 187.25; Stats. 1925 s. 187.10; 1955 c. 661 s. 27; 1957 c. 277.

187.11 History: 1913 c. 110; Stats. 1913 s. 2001—9a; 1923 c. 291 s. 3; Stats. 1923 s. 187.26; Stats. 1925 s. 187.11; 1949 c. 241.

187.12 History: 1883 c. 37 s. 1, 3, 4, 6, 7, 8, 9; 1889 c. 313 s. 2 to 5; Ann. Stats. 1889 s. 2001b; Stats. 1898 s. 2001—10 to 2001—17; 1901 c. 42 s. 1; 1901 c. 147 s. 1; Supl. 1906 s.

2001—16, 2001—16a; 1917 c. 488; 1919 c. 679 s. 89, 90; 1923 c. 291 s. 3; Stats. 1923 s. 187.27 to 187.37; Stats. 1925 s. 187.12.

The 2 laymen first chosen under 2001-12, Stats. 1898, are the lay trustees for the first 2 years of the congregation and until their successors are chosen as provided in the bylaws. A congregation may provide in its bylaws that the lay members shall be voted for by the members of the congregation and approved by the archbishop and that a vacancy may be filled by the remaining members of the board. *St. Hyacinth Congregation v. Borucki*, 141 W 205, 124 NW 284.

A signed subscription agreement for a specified sum for the erection of a school for a religious corporation was not binding upon the subscriber unless the subscription was accepted by the board of directors of the corporation. An acceptance by the pastor was insufficient to bind the subscriber and upon the death of the subscriber the subscription was revoked, not having been so accepted in his lifetime. *In re McCanna's Estate*, 230 W 561, 284 NW 502.

187.13 History: 1885 c. 275; Ann. Stats. 1889 s. 2001c; Stats. 1898 s. 2001—18 to 2001—20; 1923 c. 291 s. 3; Stats. 1923 s. 187.38 to 187.40; Stats. 1925 s. 187.13; 1949 c. 352; 1955 c. 661 s. 27.

187.14 History: 1919 c. 258; Stats. 1919 s. 2001—30; 1923 c. 158 s. 3; 1923 c. 291 s. 3; Stats. 1923 s. 187.41; Stats. 1925 s. 187.14.

Prior to the enactment of ch. 258, Laws 1919, there was no legislative authority for the consolidation or merger of religious corporations, and the consolidation under 187.14 results in the formation of a new corporation. The statutory provision does not authorize one existing religious corporation to swallow the congregation of another existing religious corporation. *St. Thomas Gemeinde v. St. Matthews Church*, 191 W 340, 210 NW 942.

187.15 History: 1923 c. 158 s. 3; Stats. 1923 s. 187.42; Stats. 1925 s. 187.15; 1939 c. 403.

There are general and private statutes relating specially to the incorporations of the trustees of the Methodist Episcopal church, and have been since 1849. If it does not appear that the trustees who are plaintiffs were not incorporated under these statutes it will be presumed on demurrer that they were. These statutes appear to be still in force in relation to the trustees of that church. *Skinner v. Richardson*, 76 W 464, 45 NW 318.

187.16 History: 1931 c. 125; Stats. 1931 s. 187.16; 1955 c. 661 s. 27.

187.17 History: 1953 c. 322; Stats. 1953 s. 187.17.

CHAPTER 188.

Fraternal Societies.

188.01 History: 1850 c. 55 s. 1; R. S. 1858 c. 74 s. 1; 1871 c. 35; 1874 c. 234 s. 1; R. S. 1878 s. 2002; 1883 c. 55; 1885 c. 19; 1887 c. 204, 208; Ann. Stats. 1889 s. 2002; Stats. 1898 s. 2002; 1923 c. 291 s. 3; Stats. 1923 s. 188.01.

It is doubtful whether a subordinate branch of the Modern Woodmen of America, organized under ch. 92, Stats. 1921, is a benevolent society. The fact that the members of a fraternal benefit society are identical with the stockholders of a corporation does not prevent dealings between the 2 bodies. Trustees Onalaska Camp v. Onalaska M. W. H. Asso. 179 W 486, 192 NW 33.

188.02 History: 1850 c. 55 s. 2, 3; R. S. 1858 c. 74 s. 2, 3; 1874 c. 234 s. 2, 3; 1875 c. 108 s. 1; R. S. 1878 s. 2003; Stats. 1898 s. 2003; 1923 c. 291 s. 3; Stats. 1923 s. 188.02.

Where trustees have been wrongfully deprived of the possession of real property belonging to them, in their character as such, an action to recover it is properly brought in the name of the lodge. Chickerming Lodge v. McDonald, 16 W 112.

A body organized under ch. 92, Stats. 1911, cannot sue or be sued until after it has elected trustees. Crawley v. American Society of Equity, 153 W 13, 139 NW 734.

Trustees of a fraternal corporation or lodge have no authority to sign a note in settlement of one-half the loss incurred in a "circus" jointly promoted by the lodge and the payee of the note, who had paid the losses. World A. S. Asso. v. Fond du Lac Lodge, 196 W 397, 220 NW 180.

188.03 History: 1850 c. 55 s. 5; R. S. 1858 c. 74 s. 5; 1874 c. 234 s. 5; R. S. 1878 s. 2004; Stats. 1898 s. 2004; 1923 c. 291 s. 3; Stats. 1923 s. 188.03.

A conveyance of realty belonging to a subordinate lodge of a fraternal order by the trustees thereof to a corporation, formed to construct and hold a building to be maintained for the benefit of several lodges, operated as a transfer of title, in view of 188.02, Stats. 1929, and this section, although at common law a corporation could not hold stock of another corporation. Under 188.02, the trustees of such lodges are corporations with limited powers, and are authorized to hold stock in corporations organized to hold buildings for them. Under said statutes, stock in a "Temple" corporation having issued to respective subordinate lodges, title to such stock vested in the trustees of such lodges. Miller v. Milwaukee Odd Fellows Temple, Inc. 206 W 547, 240 NW 193.

188.04 History: 1850 c. 55 s. 4; R. S. 1858 c. 74 s. 4; 1874 c. 234 s. 4, 6; R. S. 1878 s. 2005; Stats. 1898 s. 2005; 1923 c. 291 s. 3; Stats. 1923 s. 188.04.

188.05 History: 1874 c. 234 s. 7; R. S. 1878 s. 2006; Stats. 1898 s. 2006; 1923 c. 291 s. 3; Stats. 1923 s. 188.05.

188.06 History: 1874 c. 234 s. 9, 10; R. S. 1878 s. 2007; Stats. 1898 s. 2007; 1923 c. 291 s. 3; Stats. 1923 s. 188.06.

188.07 History: R. S. 1878 s. 2008; Stats. 1898 s. 2008; 1923 c. 291 s. 3; Stats. 1923 s. 188.07.

188.08 History: 1931 c. 354; Stats. 1931 s. 188.08; 1937 c. 126; 1951 c. 283; 1951 c. 703 s. 2; 1955 c. 661 s. 28; 1969 c. 285 s. 27.

188.085 History: 1939 c. 344; Stats. 1939 s. 188.085; 1947 c. 427; 1955 c. 661 s. 29.

188.09 History: 1937 c. 124; Stats. 1937 s. 188.09; 1941 c. 207; 1947 c. 353; 1951 c. 283; 1951 c. 703 s. 2; 1955 c. 661 s. 28; 1969 c. 285 s. 27.

188.095 History: 1941 c. 208; Stats. 1941 s. 188.095; 1947 c. 353.

188.10 History: 1937 c. 109; Stats. 1937 s. 188.10.

188.11 History: 1937 c. 125; Stats. 1937 s. 188.11; 1945 c. 379; 1951 c. 283; 1951 c. 703 s. 2; 1955 c. 661 s. 30; 1969 c. 285 s. 27.

188.115 History: 1943 c. 30; Stats. 1943 s. 188.115.

188.12 History: 1937 c. 33; Stats. 1937 s. 188.12; 1951 c. 283; 1967 c. 268.

188.13 History: 1939 c. 18; Stats. 1939 s. 188.13; 1945 c. 15; 1951 c. 283; 1955 c. 661 s. 30.

188.14 History: 1939 c. 188; Stats. 1939 s. 188.14; 1951 c. 283; 1953 c. 393.

188.15 History: 1941 c. 167; Stats. 1941 s. 188.15; 1943 c. 275 s. 46; 1951 c. 283; 1951 c. 703 s. 2; 1955 c. 661 s. 30; 1969 c. 285 s. 27.

188.16 History: 1943 c. 19; Stats. 1943 s. 188.16; 1945 c. 140; 1951 c. 283; 1951 c. 703 s. 2; 1955 c. 661 s. 28; 1969 c. 285 s. 27.

188.17 History: 1943 c. 31, 169; Stats. 1943 s. 188.17; 1951 c. 283; 1951 c. 703 s. 2; 1955 c. 661 s. 28; 1969 c. 285 s. 27.

188.18 History: 1947 c. 479; Stats. 1947 s. 188.18; 1951 c. 283; 1955 c. 661 s. 28.

188.19 History: 1949 c. 50; Stats. 1949 s. 188.19; 1951 c. 283; 1951 c. 703 s. 2; 1955 c. 661 s. 28; 1969 c. 285 s. 27.

188.20 History: 1949 c. 50; Stats. 1949 s. 188.20; 1955 c. 661 s. 29.

188.21 History: 1961 c. 34; Stats. 1961 s. 188.21; 1969 c. 285 s. 27.

188.22 History: 1967 c. 150; Stats. 1967 s. 188.22; 1969 c. 285 s. 27.

188.23 History: 1967 c. 15; Stats. 1967 s. 188.23; 1969 c. 285 s. 27.

188.235 History: 1967 c. 150; Stats. 1967 s. 188.235; 1969 c. 285 s. 27.

188.24 History: 1967 c. 150; Stats. 1967 s. 188.24; 1969 c. 285 s. 27.

188.25 History: 1951 c. 283; Stats. 1951 s. 188.25.

188.26 History: 1945 c. 404; Stats. 1945 s. 180.025; 1947 c. 143; 1951 c. 731 s. 3; Stats. 1951 s. 182.0025; 1955 c. 661 s. 10; Stats. 1955 s. 188.26.

CHAPTER 190.

Railroads; Organization and Management.

190.01 History: 1872 c. 119 s. 1; R. S. 1878