

have reported any portion of such ditch or drain to be constructed by the owner or owners, adjudge and enforce such report by the judgment of the court, which judgment may be in the alternative that such owner or owners construct the same in the time fixed, or pay the cost of constructing the same, as in such report set forth: *provided*, no owner shall be required to construct any ditch or drain, or pay anything for the same, across land not actually occupied by him. pay for construction.

SECTION 18. In all cases in either the circuit or county courts, or before the circuit or county judge, an appeal may be taken from the county court to the circuit court, and from the circuit court to the supreme court, as in other cases of appeals from said court, as is now provided for by law. Appeal.

SECTION 19. Compensation so adjudged may in all cases to be paid into the court before whom the proceedings were had, and the clerk shall on demand pay the same to the party entitled thereto, taking a receipt for the same, or payment may be made directly to the party entitled to receive the same by the petitioner or petitioners or persons compelled to pay the same. Compensation to be paid to judge.

SECTION 20. The court or judge shall cause the verdict of the jury and the proceedings of the court to be entered upon the records of said court. Verdict to be of record.

SECTION 21. The person or persons constructing such drain or ditch may go upon the lands of the owners with their servants, teams, tools and instruments for the purpose of constructing the same, and may forever thereafter go upon said lands as aforesaid for the purpose of repairing and keeping such ditch or drain in order, doing no more damage than the necessity of the occasion shall require. Constructing and repairing drain.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 76, S.]

[Published March 27, 1880.]

CHAPTER 284.

AN ACT to provide for the incorporation of religious societies in connection with Congregational churches.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The male members over twenty-one years of age, not less than three in number, of any Congregational church known as such in both govern- Organization of societies.

ment and name, which shall have been organized in this state, and which at the time maintains regular public worship, may, after due public notice given at some stated meeting of such church, organize a corporation for religious, charitable or educational purposes, in the manner hereinafter provided.

Certificate of organization.

SECTION 2. Such members shall sign and acknowledge, before some officer authorized by law to take the acknowledgment of deeds in the county where such society is organized, a certificate substantially in the following form: "Know all men, by these presents, that the undersigned (insert the names of the signers) and those who are, or who may become associated with them, for the purposes herein specified, have organized themselves in a religious society of the _____ church, located in (name of town, city or village), in the county of _____, and state of Wisconsin, for religious, charitable and educational purposes, which society shall be known and incorporated by the name (here insert the name). And they shall record the same in the office of the register of deeds of such county; and when such certificate shall have been so recorded, the society named therein shall be a corporation, and shall possess the powers and privileges granted to corporations by chapter eighty-five of the revised statutes, so far as the same are applicable or necessary to accomplish its purposes, and also such as are conferred by this chapter. And the respective churches connected and associated in public worship with such religious societies, shall continue to have, exercise and enjoy all their accustomed privileges and liberties respecting divine worship, church order and discipline, and shall be encouraged in the peaceable and regular enjoyment and practice thereof.

Powers and privileges of corporation.

Constitution and by-laws.

SECTION 3. Such corporation may, by its constitution and by-laws, fix the terms and qualifications of membership and office therein, may provide rules for the government of the society and its officers, and fix the number of its trustees, not less than three nor more than nine, their term of office and the manner of appointing or electing the same.

May possess real estate, etc.

SECTION 4. Such corporation may also take, receive, purchase, hold and use both real and personal estate for the purposes for which it has been incorporated, and no other; and may lease, mortgage, sell and otherwise dispose of the same, or any portion thereof, in the manner provided by its rules and by-laws; and may also take by purchase, gift or otherwise, and for-

ever hold and improve, any lands intended to be used for cemetery grounds or burial places, subject to the provisions and restrictions so far as applicable in chapter fifty-nine of the revised statutes.

SECTION 5. The secular business and temporal affairs of such corporation shall be administered by the board of trustees. It shall appoint a clerk or secretary, and a treasurer, with power to remove the same, and shall cause accurate records of all its proceedings, and of all business meetings of such society, to be kept; it shall have the custody and management of the corporate property, and shall be governed in its official acts by the rules of its society, applicable thereto and not inconsistent with the laws of this state.

SECTION 6. Every existing religious society of any Congregational church known as such in both government and name, whose board of trustees have heretofore been incorporated under the laws of this state, may, by five or more of its members, including in every case all the members at the time acting as trustees, thereunto duly authorized by and acting for the society, become a corporation under this chapter, by making and recording the certificate provided herein, with an additional statement therein of the name by which such society and the corporation connected with it has before that time been known and called, and that such society and corporation are reorganized under this chapter; but such reorganization shall not work a change of the ecclesiastical connection of any such society. If any such society or corporation shall fail to become reorganized as herein provided, such failure shall not work its dissolution; and the board of trustees heretofore incorporated, not less than three nor more than nine in number, shall hereafter be appointed or elected according to the rules of the society with which they are connected, and shall be governed by the provisions of this chapter which relates to the duties of trustees, and shall have all the powers and be subject to all the liabilities of religious corporations under the provisions of this chapter.

SECTION 7. No failure to elect trustees at the proper time shall work a dissolution of any corporation under this chapter, and those once elected shall hold their offices until their successors are elected. In case of the dissolution of any such corporation, the same may be reincorporated under the provisions of this chapter at any time within six years after such dissolution; and thereupon all the estate, real and

Board of trustees.

Board of trustees of Congregational church may become a corporation.

Failure to elect trustees not to affect corporation.

personal, formerly belonging to the same, and not lawfully disposed of, shall vest in such corporation as if there had been no such dissolution.

Property to vest
in religious so-
ciety.

SECTION 8. All lands, tenements and hereditaments that have been or may hereafter be lawfully conveyed by demise, gift, grant, purchase or otherwise to any persons or trustees in trust for the use of any religious society organized, or which may hereafter be organized, within this state, either for a meeting house, burying ground or parsonage, shall, with the improvements, vest in such religious society when incorporated under the provisions of this chapter, as fully as if originally conveyed to it; and in case the society has not been reincorporated as herein provided, shall vest in the trustees of such society, and be held by them and their successors in trust for such society.

Exempt from
provisions of
section 91, R. S.

SECTION 9. The societies of any congregational church, known as such in both government and name, herein named and provided for, shall hereafter be exempt from the provisions of chapter ninety-one of the revised statutes of 1878: *provided*, that the trustees of the funds and property of any church or religious denomination in this state duly elected by any council, convention, conference, synod or other body of authorized representatives of any such church or religious denomination, and otherwise qualified as provided by law; and their successors in office are hereby declared to be a good and sufficient corporation, duly organized and fully formed, constituted and empowered to receive and hold any lands, tenements and hereditaments that may be conveyed to it by demise, gift, grant, purchase or otherwise, by or from any person, persons, trustees or corporation, in trust for a church, meeting house, parsonage, rectory, school or hospital, or for the other uses and purposes of any such church or religious denomination, and any property so conveyed to said corporation, with the improvements, appurtenances and additions thereto, shall be held by such trustees and their successors in office, when such conveyance shall have been approved by the council, convention or synod represented by said trustees exclusively for the purposes of such trust as specified and declared in the conveyance thereof, and subject to all the conditions of such conveyance.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.