

1931 c. 450 s. 1; 1935 c. 138; 1941 c. 253; 1947 c. 279 s. 3; 1947 c. 411 s. 11 (220.02 (5)); 1953 c. 132; 1965 c. 192; 1969 c. 276 s. 592 (7).

The obligation of an accommodation co-maker of a note given to a credit union by a borrowing member thereof was "collateral", so that such comaker was not relieved from liability on the note on grounds based on the theory that the note was not secured by collateral as required by the statute. *James Employes Credit Union v. Hawley*, 2 W (2d) 490, 87 NW (2d) 299.

A credit union may include in notes a provision for payment of attorney's fees in the event of default. 39 Atty. Gen. 22.

186.10 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.10; 1953 c. 132.

186.11 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.11; 1929 c. 323 s. 1; 1933 c. 323 s. 2; 1935 c. 138; 1947 c. 411 s. 11 (220.02 (5)); 1953 c. 132; 1959 c. 151; 1969 c. 276 s. 592 (7).

A credit union has no power to rediscount with a federal intermediate credit bank. 12 Atty. Gen. 487.

A credit union may borrow surplus funds of another credit union subject to restrictions contained in 186.11, Stats. 1937. Such loan must have the approval of the banking commission. 27 Atty. Gen. 145.

186.112 History: 1953 c. 132; Stats. 1953 s. 186.112; 1969 c. 276 s. 592 (7).

186.119 History: 1935 c. 138; Stats. 1935 s. 186.119; 1943 c. 302; 1947 c. 411; 1969 c. 276 s. 592 (5), (7).

186.12 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.12; 1927 c. 284; 1931 c. 450 s. 1; 1935 c. 138; 1943 c. 178; 1945 c. 58.

186.13 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.13.

186.14 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.14.

186.15 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.15; 1941 c. 253; 1945 c. 58.

186.16 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.16; 1925 c. 88; 1945 c. 58.

Sums deposited by mortgagors for the purpose of paying real estate taxes and insurance are not share capital on which dividends may be paid. 48 Atty. Gen. 162.

186.17 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.17; 1929 c. 323 s. 1; 1941 c. 261; 1945 c. 58, 505; 1947 c. 279 s. 4; 1947 c. 411 s. 11 (220.02 (5)); 1969 c. 276 s. 592 (7).

186.18 History: 1923 c. 334 s. 2; 1923 c. 449 s. 22; Stats. 1923 s. 186.18; 1941 c. 261; 1945 c. 58; 1947 c. 279 s. 4; 1969 c. 276 s. 592 (5).

On dissolution of credit unions see 35 Atty. Gen. 64.

186.19 History: 1929 c. 323 s. 2; Stats. 1929 s. 186.19; 1943 c. 97, 156; 1945 c. 228; 1947 c. 411 s. 11 (220.02 (5)); 1969 c. 276 s. 592 (7).

A blanket bond covering officers of several credit unions would not comply with 186.19 (1), Stats. 1935. 24 Atty. Gen. 697.

186.20 History: 1931 c. 450 s. 2; Stats. 1931 s. 186.20.

186.21 History: 1931 c. 450 s. 2; Stats. 1931 s. 186.21; 1933 c. 323 s. 2; 1941 c. 253; 1947 c. 411 s. 5; 1969 c. 276 s. 592 (5).

186.22 History: 1935 c. 138; Stats. 1935 s. 186.22; 1939 c. 513 s. 39; 1947 c. 279 s. 5; 1947 c. 411 s. 11 (220.02 (5)); 1965 c. 252; 1969 c. 276 s. 592 (7).

186.23 History: 1935 c. 138; Stats. 1935 s. 186.23; 1947 c. 411 s. 11 (220.02 (5)); 1947 c. 612 s. 10.

186.24 History: 1935 c. 138; Stats. 1935 s. 186.24; 1939 c. 513 s. 40; 1941 c. 261; 1947 c. 411 s. 11 (220.02 (5)); 1947 c. 612 s. 10; 1969 c. 276 s. 592 (7).

186.25 History: 1945 c. 58; Stats. 1945 s. 186.25; 1947 c. 411 s. 11 (220.02 (5)); 1969 c. 276 s. 592 (7).

186.26 History: 1945 c. 58; Stats. 1945 s. 186.26; 1947 c. 411 s. 11 (220.02 (5)); 1969 c. 276, 392.

186.27 History: 1945 c. 58; Stats. 1945 s. 186.27; 1947 c. 411 s. 11 (220.02 (5)); 1969 c. 276 s. 592 (7).

186.28 History: 1945 c. 58; Stats. 1945 s. 186.28; 1947 c. 411 s. 11 (220.02 (5)); 1969 c. 276 s. 592 (7).

186.29 History: 1945 c. 58; Stats. 1945 s. 186.29; 1947 c. 411 s. 11 (220.02 (5)); 1947 c. 612 s. 11; 1953 c. 132; 1961 c. 316; 1965 c. 252; 1969 c. 276 s. 592 (5), (7); 1969 c. 404.

186.30 History: 1945 c. 58; Stats. 1945 s. 186.30; 1947 c. 411 s. 11 (220.02 (5)); 1947 c. 612 s. 12; 1969 c. 276 s. 592 (7).

186.31 History: 1945 c. 58, 505; Stats. 1945 s. 186.31; 1947 c. 411 s. 11 (220.02 (5)); 1969 c. 276 s. 592 (7).

186.315 History: 1949 c. 403; Stats. 1949 s. 186.315; 1969 c. 276 s. 592 (7).

186.32 History: 1947 c. 279 s. 1; Stats. 1947 s. 186.32; 1969 c. 226.

186.33 History: 1947 c. 279 s. 1; 1947 c. 411 s. 11 (220.02 (5)); Stats. 1947 s. 186.33; 1967 c. 288; 1969 c. 276 s. 592 (7).

186.34 History: 1951 c. 530; Stats. 1951 s. 186.34.

186.35 History: 1969 c. 375; Stats. 1969 s. 186.35.

186.36 History: 1969 c. 318; Stats. 1969 s. 186.36.

CHAPTER 187.

Religious Societies.

187.01 History: R. S. 1849 c. 47 s. 1, 6 to 10; R. S. 1858 c. 66 s. 1, 2, 3, 7 to 11; 1860 c. 337

s. 1 to 6; 1862 c. 103; 1876 c. 411 s. 1 to 5, 8; R. S. 1878 s. 1990 to 1994; 1883 c. 79; 1889 c. 312; 1897 c. 18; Stats. 1898 s. 1990 to 1994; 1923 c. 291 s. 3; Stats. 1923 s. 187.01 to 187.05; Stats. 1925 s. 187.01; 1927 c. 110, 226; 1931 c. 293 s. 2; 1955 c. 661; 1963 c. 191; 1969 c. 55.

On equality see notes to sec. 1, art. I; on freedom of worship see notes to sec. 18, art. I; on special and private laws prohibited (private corporations) see notes to sec. 31, art. IV; and on property exempted from taxation (property of educational, religious and benevolent institutions) see notes to 70.11.

1. Incorporators.
2. Certificate.
3. Trustees; property.
4. Notice.
5. Trustees' powers.

1. Incorporators.

Norwegian immigrants formed a religious society in 1844, and built 2 churches, those in the western part of the settlement paying for one of them, called the west church, and the rest paying for the east church. Very many of the matters relating to both parts of the settlement in religious matters were common. They always regarded themselves as forming one congregation, and twice attempted to become incorporated as such. But no person could be a member of both of the churches. Each was regarded as belonging to one or the other of them, and had no voice in the management of the internal affairs of the other. In these circumstances there were 2 churches, congregations or religious societies, and the statutes did not authorize the incorporation of 2 societies, and the organization of 1853 was void. *Evenson v. Ellingson*, 72 W 242, 39 NW 330; 67 W 634, 31 NW 342.

Membership is not lost by separating from the majority party and holding separate meetings with the regular minister, at first under the claim that such seceding party was the true society, and afterwards under the claim that 2 new societies had been formed from the old one, followed by separate incorporation under a new name. *Holm v. Holm*, 81 W 374, 51 NW 579.

Where incorporators are not members of a religious organization but desire to organize a corporation in connection with a church of their own peculiar tenets to be associated therewith, no notice of an intent to so organize, or of a time or place of forming the organization is necessary. *Franke v. Mann*, 106 W 118, 81 NW 1014.

2. Certificate.

The statute must be substantially complied with. The statutory notice must be given, the trustees must be regularly elected and the certificate must show these facts. *Kulinski v. Dambrowski*, 29 W 109.

The name chosen for the corporation need not be precisely the one by which the previously existing voluntary organization was known, but any name reasonably appropriate for the purpose may be taken. *Spiritual Temple v. Vincent*, 127 W 93, 105 NW 1027.

See note to 181.76, citing 44 Atty. Gen. 43.

3. Trustees; Property.

A religious corporation holding property charged with a trust for certain purposes cannot divert it to other and inconsistent uses, even by formal corporate action. *Franke v. Mann*, 106 W 118, 130, 81 NW 1014, 1018; *Cape v. Plymouth Congregational Church*, 130 W 174, 109 NW 928.

Property rights of religious societies and corporations. *Boyer*, 36 MLR 329.

4. Notice.

The statute does not require the notice to be given by any particular person, and it will not be construed so as to invalidate a notice read by a member of the church, where the minister has refused to read it, at the close of the regular Sunday service, the reading having commenced immediately after the benediction was pronounced and being completed while the audience was passing out, and so as to arrest the attention of every person present. *West Koshkonong Congregation v. Ottesen*, 80 W 62, 49 NW 24.

In case of a factional dispute in a church society the notice provided is to be given at the meeting held at the regular home of the society whether attended by majority or minority members. *Spiritual Temple v. Vincent*, 127 W 93, 105 NW 1027.

5. Trustees' Powers.

The trustees are mere agents to give effect to the will of the incorporators or a majority of them as to all matters within the scope of the corporation. It is incumbent upon parties suing as trustees of a religious society to show the existence of the corporation and that they are at least de facto trustees thereof. *Kulinski v. Dambrowski*, 29 W 109.

An incorporated religious society cannot be bound by the acts of all its trustees acting personally, nor by the acts of a majority of them convened together unless they are so convened at an authorized official meeting pursuant to a call addressed to all the trustees. At such meeting the trustees cannot act for the corporation so as to bind it for an adverse interest of their own. *United Brethren Church v. Vandusen*, 37 W 54.

Religious societies can contract only through the aggregate body vote, or through the board of trustees by vote, or through an agent authorized by one body or the other or both. A proposal to subscribe remained a mere offer which might be retracted until accepted by the corporation. *Methodist Episcopal Church v. Sherman*, 36 W 404; *Leonard v. Lent*, 43 W 83.

187.02 History: R. S. 1849 c. 47 s. 20; R. S. 1858 c. 66 s. 22; 1876 c. 411 s. 6, 9, 10; R. S. 1878 s. 1995; 1897 c. 18; Stats. 1898 s. 1995; 1923 c. 291 s. 3; Stats. 1923 s. 187.06; Stats. 1925 s. 187.02.

187.03 History: R. S. 1849 c. 47 s. 20; R. S. 1858 c. 66 s. 22; 1876 c. 411 s. 7; R. S. 1878 s. 1996; Stats. 1898 s. 1996; 1923 c. 291 s. 3; Stats. 1923 s. 187.07; Stats. 1925 s. 187.03.

187.04 History: 1864 c. 60 s. 1, 2; 1872 c. 67; 1876 c. 411 s. 11; R. S. 1878 s. 1997; 1879 c. 70, 252; 1885 c. 385; Ann. Stats. 1889 s. 1997; Stats. 1898 s. 1997; 1923 c. 158 s. 2; 1923 c.

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 re-vest 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.