

misunderstanding of the facts of the case, or through the misrepresentations or concealments on the part of such deceased person, and that such deceased person has never wholly and in full settled his accounts as such administrator, executor, trustee, guardian or agent, and such deceased person absented himself from the state, without settling his accounts or matters as such administrator, executor, trustee, guardian or agent, then said defendant in such suit or either one of them may and shall be allowed in and on all trials or any other proceedings in any such suit or suits, to be a witness and testify and give evidence in the same manner as if such deceased person was still living, or was still living and plaintiff in such suit, and in like manner shall be allowed and entitled to be a witness in any suit by the maker or obligor of any such note, contract, obligation or instrument or evidence of indebtedness as aforesaid, against the executor, administrator, heir, devisee, legatee or assignee of any such deceased person or all or any of them, to set aside, cancel and declare null and void, or to compel the surrender of any such note, obligation, contract or other instrument or evidence of indebtedness.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

CHAPTER 101.

[Published March 23, 1870.]

AN ACT to provide for classification and election of railroad directors.

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

SECTION 1. The terms of office of the directors of any railroad or railway company of this state may be extended in the manner herein provided. Extended.

SECTION 2. Any railroad or railway company organized and doing business under any law or laws of this May classify directors.

state, may by resolution of its board of directors, divide its board of directors into three classes, numbered consecutively, each of which shall be composed, as nearly as may be of one-third of the directors; the term of office of the first class to expire on the day of the annual election of said company, then next ensuing; the second class one year thereafter, and the third class two years thereafter. At each annual election after such classification the stockholders of such company shall elect for a term of three years a number of directors equal to the number in the class whose term expires on the day of such election. All other vacancies to be filled in accordance with the by-laws of said company.

SECTION 3. This act shall be a public act, to take effect and be in force from and after its passage.

Approved March 16, 1860.

CHAPTER 102.

[Published March 22, 1870.]

AN ACT to authorize the secretary of state to purchase an index to the laws of the state of Wisconsin.

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

May purchase
index.

SECTION 1. The secretary of state is hereby authorized and required to purchase one thousand copies of a synoptical index to the laws of Wisconsin, now being prepared by E. A. Spencer, which index shall include all laws, general, local and private, passed by the territorial and state legislatures, including the laws passed at the present session of the legislature, and which index shall be examined and approved by the attorney general, and bound in good, substantial half-binding, and delivered to the secretary of state, to be distributed as the legislature shall direct.

Shall audit
claim.

SECTION 2. Upon the receipt of the copies of the index provided for in the foregoing section, the secretary of state shall audit the claim of said Spencer for