

CHAPTER 100.

[Published March 24, 1870.]

AN ACT to amend chapter one hundred and fifty-seven (157) of the general laws of the state of Wisconsin, for the year (A. D.) 1869, entitled "an act relating to evidence in certain cases."

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

Amended.

SECTION 1. Section three (3) of said chapter 157 is hereby amended to be and read as follows: All statements, list or lists of lands (or a certified copy thereof, by any officer in whose custody the same may be) which may have been or shall hereafter be certified to the state of Wisconsin by the president of the United States, or by either of the departments of the United States or any of the officers thereof, including the secretary of the interior, or by the commissioner of the general land office of the United States for railroad or any other purposes, shall be admitted in evidence in all courts, and shall be *prima facie* evidence that the title of the lands therein contained or described, thereupon became vested in the state of Wisconsin.

Defendant may give evidence in place of deceased.

SECTION 2. In any suit that may have been commenced or shall be hereafter commenced in any court by an executor, administrator, heir, devisee or legatee or assignee of any deceased person, (except an assignee before due of a negotiable promissory note) upon any promissory note, obligation, contract or other instrument or evidence of indebtedness, if any defendant therein shall set forth, allege or state in his verified answer or by affidavit that the said note, obligation, contract or other instrument or evidence of indebtedness was given, in whole or part, for claimed or pretended services of such deceased person as executor, administrator, trustee, guardian or agent, or in whole or part for any other matter or thing appertaining to or growing out of or arising from such administratorship, executorship, trusteeship, guardianship or agency, and that the said note, obligation, contract or other instrument or evidence of indebtedness was obtained fraudulently or that he or they signed the same through a

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.