

amount of attorney's fees in case judgment is for the plaintiff, and the value of the property as claimed shall govern the amount of the attorney's fees, in case judgment is for the defendant. In a case not herein provided for, a reasonable attorney's fee may be allowed in the discretion of the court, provided, that no attorney's fee shall exceed the sum of twenty-five dollars, and provided, further, that no attorney's fee shall be allowed unless the parties shall appear in the action by an attorney of a court of record.

SECTION 5. Any party may appeal from any judgment or order entered by the county court to the circuit court for Rusk county within the time limited and within the manner prescribed for taking appeals from justice courts, and the trial shall be had in the circuit court in the same manner as if the appeal had been taken from a court of a justice of the peace.

SECTION 6. This act shall take effect and be in force from and after its passage and publication, provided, however, that none of the additional powers herein granted to the said county court of Rusk county shall be exercised by said court and none of the provisions hereof shall be effective and operative, unless the county board of Rusk county shall before January first, 1912, by resolution adopted by a majority of the members thereof, so declare and direct.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 15, 1911.

No. 743, A.]

[Published June 17, 1911.

CHAPTER 372.

AN ACT to amend section 3771 of the statutes, relating to judgments against appellants and sureties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3771 of the statutes is amended to read: Section 3771. In every case where the appellate court shall give judgment against a party appealing, who shall have given an undertaking to stay execution in the court below, such judgment shall be entered against the appellant and his sureties jointly; but it shall not be collected of the sureties by the officer to whom the execution is directed, if he can find sufficient property of the principal to satisfy the same, and the party issuing the execution shall indorse a direction thereon to that effect. *In any case where the party appealing shall have given an undertaking, with a surety or sureties, to stay execution in the*

court below, and shall subsequently, by amendment, supplemental pleading or otherwise, set forth and prove a discharge in bankruptcy obtained after the giving of such undertaking, the appellate court shall hear and determine all the issues of said action, and if the court shall find that judgment would have been rendered against the appellant, except for such new defense of a discharge in bankruptcy obtained subsequently to the giving of such undertaking, the appellate court shall give judgment against the appellant and his surety or sureties, jointly, with a perpetual stay of execution of said judgment against the appellant, and that execution as to him be returned wholly unsatisfied.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 15, 1911.

No. 847, A.]

[Published June 17, 1911.]

CHAPTER 373.

AN ACT to amend section 54 of the statutes, relating to aid in marking ballots.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 54 of the statutes is amended to read: Section 54. 1. Any voter who declares to the presiding election officer that he is such, that he cannot read or write, or that by physical disability, other than total blindness, he is unable to mark his ballot, shall be informed that he * * * *may have assistance, and when such assistance shall be requested, two of the inspectors, clerks or ballot clerks shall be selected by such voter to assist him in marking his ballot, which inspectors, clerks or ballot clerks shall not be of the same political party.* In case the voter is totally blind he may be assisted by any person chosen by him from among the legal voters of the county in which the voting precinct is located. The * * * officers or other person selected by any such voter shall retire to the booth or compartment with the elector, and shall read to him the names of all the candidates on the ballot for each office, and ask him. "Which one do you vote for?" and the ballot shall be marked according to his expressed preference, and such * * * officers or person selected to assist shall certify on the outside of the ballot that it was marked with his or their assistance, and shall thereafter give no information regarding the same.

2. The presiding officer at the election may, in his discretion, require such declaration of disability to be made by the voter under oath, and may administer such oath. Intoxication shall