

[No. 112, S.]

[Published March 23, 1881.]

CHAPTER 85.

AN ACT to provide for a public park in the fifth ward of the city of Milwaukee.

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

Sale of block
18, fifth ward.

SECTION 1. The city of Milwaukee is hereby authorized to sell at the largest practicable price all the interest of said city, or of the fifth ward, in block eighteen, in said fifth ward, and hold the proceeds of such sale in trust for said ward for the purposes hereinafter described.

Aldermen to
select public
park or market.

SECTION 2. Whenever the city of Milwaukee shall have sold and conveyed the property described in the first section of this act, as provided in said section, it shall be the duty of the aldermen of said fifth ward, or of a majority of them, as soon as practicable after such sale, to proceed to select a suitable site for a public park or market in said ward, and as far as practicable to contract for the necessary land for such park or market, at a price not greater than the aggregate proceeds of the sale provided for in the first section of this act; and when said aldermen or a majority of them shall have selected said site and contracted for the necessary land for said park or market, or otherwise ascertained the conditions upon which said lands may be obtained as hereinbefore provided, they shall file with the proper officers of said city a description of the site so selected and of said lands with a statement of the probable price at which said land can be obtained, whereupon said city of Milwaukee may purchase and hold in trust for the use of said ward for a public park or market in said ward, all of the said lands so selected and described.

Authority of
council and
aldermen of
fifth ward.

SECTION 3. No such purchase shall be made until the same shall have been ordered by the common council of said city by resolution adopted by an affirmative vote of a majority of the members of such council and a majority of the aldermen of said ward, specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment.

Condemning
lands.

SECTION 4. In case it shall be deemed necessary to condemn any portion of the land selected by said aldermen as a site for said park or market, it shall be the duty of said city to proceed to condemn the same in the same manner that said city is otherwise authorized to condemn lands for public use; and in case such

condemnation is made; all amounts assessed to said city for payment in consequence of the taking of such lands for such park or market shall be paid from the proceeds of the sale provided for in the first section of this act.

SECTION 5. Nothing in this act shall be construed to authorize the city to sell any buildings belonging exclusively to said city and situated in said block; nor shall said city be held liable for the cost of the land taken or purchased, or for the improvement of said park or market in any manner except as provided in this act, provided that the city of Milwaukee may receive donations for the purchase or improvement of said park or market in addition to the proceeds of the sale provided for in the first section of this act; but no part of the proceeds of such sale shall be applied to the purchase or establishment of a market until suitable buildings and other improvements therefor of a total value of at least ten thousand dollars, shall have been previously provided for by donation and without cost to said city or ward.

Liability of city.

Donation required.

SECTION 6. This act is hereby declared to be an amendment of the charter of said city and all acts and parts of acts contravening the provisions of this act are hereby repealed.

Amendment.

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

Approved March 12, 1881.

[No. 87, S.]

[Published March 23, 1881.]

CHAPTER 86.

AN ACT to amend sections two thousand seven hundred and fifty-three and two thousand seven hundred and sixty-eight of the revised statutes, relating to garnishment.

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

SECTION 1. Section two thousand seven hundred and fifty-three of the revised statutes, is hereby amended by inserting after the word affidavit, in the sixth line thereof, the words "stating the amount of his claim against the defendant or defendants, over and above all offsets," and so that said section, when so amended, shall read as follows: Section 2753. Either at the time of the issuing of the summons, or at any time thereafter before final judgment, in any action to recover damages founded upon contract, express or im-

Affidavit for garnishment.