

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amendment of the charter of said city and all acts and parts of acts contravening the provisions of this act are hereby repealed.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.

plied, or upon judgment or decree, or at any time after the issuing, in any case, of an execution against property, and before the time when it is returnable, the plaintiff, or some person in his behalf, may make an affidavit stating the amount of the plaintiff's claim against the defendant or defendants over and above all offsets and stating that he verily believe that some person, naming him, is indebted to or has property, real or personal, in his possession or under his control, belonging to the defendant (or either or any of the defendants) in the action or execution, naming him, and that such defendant has not property liable to execution sufficient to satisfy the plaintiff's demand, and that the indebtedness or property mentioned in such affidavit is to the best of the knowledge and belief of the person making such affidavit, not by law exempt from seizure, or sale upon execution. Any number of garnishees may be embraced in the same affidavit and summons herein-after provided for; but if a joint liability be claimed against any, it shall be so stated in such affidavit, and the garnishee named as jointly liable, shall be deemed jointly proceeded against, otherwise the several garnishees shall be deemed severally proceeded against.

Liability of  
garnishee.

SECTION 2. Section two thousand seven hundred and sixty-eight of the revised statutes, is hereby amended by adding at the conclusion thereof the following: In case such moneys, credits and effects, in the possession, or under the control of the garnishee, shall exceed the amount of the plaintiff's claim, the garnishee shall stand liable to the plaintiff only for the amount of the plaintiff's claim as disclosed by his affidavit provided for in section two thousand seven hundred fifty-three, together with such further amount as shall be equal to all costs and damages which the plaintiff may recover in the action and garnishee proceedings.

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

Approved March 12, 1881.