

all damages which any person may sustain in consequence of such horse or ass running at large.

SECT. 4. This act shall take effect and be in force from ^{Take effect, when.} and after its passage.

Approved May 15, 1862.

W. JAYNE, *Governor.*

EXEMPTION.

CHAPTER 37.

AN ACT EXEMPTING PROPERTY FROM EXECUTION, WRIT OF ATTACHMENT, OR ANY OTHER FINAL PROCESS OF A COURT.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That a homestead, belonging to any man or woman resident in this territory, consisting of not more than eighty acres of land, and the dwelling-house and other improvements and appurtenances situated thereon convenient for a homestead, to be selected by the owner thereof, and not included within any incorporated city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one acre, being within an incorporated city, town, or village, and the dwelling-house thereon and its appurtenances, shall not be subject to attachment or mesne process, or [levy], or sale upon execution, or any other process issuing from any court within this territory. This section shall be construed to exempt such homestead in the manner aforesaid, during the time it shall be owned or occupied by the widow or minor child or children of any deceased person, who was, when living, entitled to the benefit of this act.

SECT. 2. Such exemption shall not extend to any mort- ^{Such exemp- tion does not ex-}

tend to valid mortgage.

gage thereon, but such mortgage of said homestead or any part thereof by the owner if he be a married man, shall not be valid unless the wife join in said conveyance.

SECT. 3. Whenever any levy shall be made upon the lands or tenements of a householder whose homestead has not been selected out or set apart by metes and bounds, such householder may notify the officer at the time of making such levy of what he regards as his homestead, with a description thereof, within the limits above described, and the remainder alone shall be subject to sale under such levy.

If plaintiff dissatisfied with land set apart.

SECT. 4. If the plaintiff in execution be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making the levy shall cause the land to be surveyed, beginning at a point to be designated by the owner, and set apart in compact form, including house and other buildings and improvements, to the amount specified in the first section of this act. The expense of said survey shall be paid by said plaintiff.

Officer make sale when, and of the deed.

SECT. 5. After the survey shall have been made, the officer making the levy, may sell the property levied upon, and not included within the set-off, in the same manner as is provided by law in other cases for the sale of real estate in execution; and in giving a deed he shall describe the same fully by metes and bounds.

Owner of several houses may select either.

SECT. 6. Any person owning several houses situated upon the same or different lots of land within this territory, may select either one of said houses and lots as a homestead, that he may see fit, and the same shall be exempt as aforesaid, and every person occupying a home not his own, and owning a homestead as hereinbefore described, shall be entitled to the exemption aforesaid.

Not exempt from sale for taxes.

SECT. 7. Nothing in this act shall exempt any real estate from sale in payment for taxes.

Other property exempt.

SECT. 8. All property hereinafter mentioned shall be exempt from attachment or mesne process, or levy of execution, or any other final process issued from any court.

1. All family pictures.
2. All miscellaneous books and musical instruments for use of family not exceeding five hundred dollars in value.
3. A seat or pew in any house of worship.
4. A lot or lots in any burial-ground.

5. All wearing apparel suitable to the condition of the debtor and his family.

6. All household furniture used by the debtor and his family, not exceeding five hundred dollars in value, and in case the debtor shall own more than five hundred dollars' worth of furniture, he shall select such as may be deemed most useful to himself and family, leaving the balance subject to legal process.

7. Three cows, ten swine, one yoke of oxen, and one horse, or two yoke of oxen or a span of horses or mules, one hundred sheep and their lambs under six months old, and all wool of the same, and all cloth or yarn manufactured therefrom, the necessary food for the animals hereinbefore mentioned, for one year's support either provided or growing, or both as the debtor may choose; also one wagon, one sleigh, two ploughs, one harrow, and other farming utensils, including tackle for teams, not exceeding three hundred dollars in value.

8. The provisions for the debtor and his family, necessary for one year's support, either provided or growing or both, and fuel necessary for one year.

9. The tools and instruments of any mechanic, whether a minor or of age, used and kept for the purpose of carrying on his trade or business, and in addition thereto, stock in trade not exceeding two hundred dollars in value. The library and implements of any professional man, not exceeding six hundred dollars in value, all of which articles hereinbefore exempt shall be chosen by the debtor, his agent or legal representative, and whenever the articles are limited in value, they shall be [appraised] at the usual price of such articles at sheriff sale as near as can be. To be selected by whom.

SECT. 9. Nothing in this act shall be so construed as to exempt any property in this territory from execution for clerks', laborers', or mechanics' wages. Not exempt for clerks', laborers', and mechanics' wages.

SECT 10. This act shall take effect from and after its passage. Take effect when.

Approved May 12, 1862.

W. JAYNE, *Governor.*

CHAPTER 38.

AN ACT TO EXEMPT THE PROPERTY OF MARRIED WOMEN
FROM EXECUTION IN CERTAIN CASES.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota :*

Married
woman's prop-
erty exempt for
debts of husband.

Proviso.

Take effect,
when.

SECTION 1. That the property owned by any married woman, before her marriage, and that which she may acquire after marriage, by descent, gift, grant, devise, or otherwise, and the increase, use, and profits thereof, shall be exempt from all debts and liabilities of the husband, unless for necessary articles for the use and benefit of the family. *Provided, however,* That the provisions of this act shall extend only to such property as shall be mentioned in a list of the property of such married woman as is on record in the office of the register of deeds of the county in which such married woman resides.

SECT. 2. This act to take effect and be in force from and after its passage.

Approved April 5, 1862.

W. JAYNE, *Governor.*

CHAPTER 39.

AN ACT EXEMPTING PROPERTY FROM EXECUTION.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota :*

Property ex-
empt from execu-
tion for any debt,
&c., incurred
without limits of
the territory.

SECTION 1. That all property, real and personal, goods and chattels, rights, credits, interests, and estates in this territory, owned by any citizen of this territory, and acquired during his or her residence in said territory: also, all the property, real and personal, goods and chattels, rights and credits, interests and estates within this territory, owned by the widow or minor children of any deceased person who, at the time of his death, was a citizen of this territory, and

who acquired said property, real and personal, goods and chattels, rights and credits, interests and estates during his residence in said territory; also, all the property, real and personal, goods and chattels, rights and credits, interests and estates belonging to the estate and in the hands of the executor or executors, administrator or administrators of such deceased person, or in the hands of the guardian or guardians of the minor children of such deceased person; and also all the property, real and personal, goods and chattels, rights and credits, interests and estates in this territory, owned by any woman married or single, residing in this territory, and acquired by her during residence in said territory, be and the same is hereby declared to be exempt from levy, seizure, or sale, by virtue of any execution, writ of attachment, or any other final process of a court, founded upon any debt, demand, or liability contracted or incurred without the limits of this territory.

SECT. 2. No judgment obtained in any court in or out of this territory, upon any indebtedness as mentioned in section first of this act, shall in anywise operate as a lien upon any property, real or personal, goods or chattels, rights or credits, interests or estates, exempted from levy, seizure, and sale by the provisions of this act.

No judgment on such liability operate as lien in this territory.

SECT. 3. Nothing in this act shall prevent any person, residing in or out of this territory, from bringing suit against any person owning property in this territory, and prosecuting his or her lawful demand against such person to final judgment.

Any person may bring suit notwithstanding.

SECT. 4. This act shall take effect from and after its passage, and approval by the governor.

Take effect, when.

Approved May 5, 1862.

W. JAYNE, *Governor.*

CHAPTER 40.

AN ACT EXEMPTING CERTAIN PROPERTY FROM TAXATION.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota :*

Wool and cot-
ton manufac-
tories exempt for
how many years.

SECTION 1. That the following property shall be exempt from taxation, for the time specified in this act, to wit: 1. All sheep and the wool shorn from the same, while in possession of the producer, for the term of five years. 2. All woollen manufactories, including the machinery of the same, for a term of fifteen years. 3. All cotton manufactories, including the machinery of the same, for a term of twenty years. 4. One half of the value of all other manufacturing establishments, for the term of five years.

Periods to date
from passage of
act.

SECT. 2. The period of time mentioned in the previous section shall date from the passage of this act.

Take effect,
when.

SECT. 3. This act to take effect from and after its pas-
sage.

Approved May 14, 1862.

W. JAYNE, *Governor.*

FEES OF OFFICERS, &c.**CHAPTER 41.**

AN ACT RELATIVE TO THE COMPENSATION OF OFFICERS.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota :*

No other than
lawful fees al-
lowed.

SECTION 1. That no officer is allowed fees or other com-
pensation for any services further than is expressly permitted
by law.

Fees for cer-
tain services.

SECT. 2. Any officer legally called upon to perform any the
following services, is entitled to the following compensation: