

creation of a sinking fund with which to pay such bonds on maturity.

§ 2. MONEY, WHERE DEPOSITED.] All monies that may arise or be derived from the sale, rental or lease of lands appropriated to the hospital for insane shall be deposited with the State Treasurer, to be used exclusively for the benefit of the hospital for insane.

Approved March 9th, 1897.

INSOLVENCY.

CHAPTER 93.

[H. B. 111.]

PROCEEDINGS IN INSOLVENCY.

AN ACT to Amend Sections 6020, 6046, 6081, 6089, 6090, 6091 and 6092 of the Revised Codes of 1895, being Chapter 38 of the Code of Civil Procedure, Relating to Proceedings in Insolvency.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

AMENDMENT.] That sections 6020, 6046, 6081, 6089, 6090, 6091 and 6092 be and the same are hereby amended to read as follows:

§ 6020. ORDER REQUIRING SCHEDULE—AMENDMENT OF.] The court shall thereupon make an order requiring the insolvent forthwith, or within such number of days not exceeding ten after the date of the order or notice thereof, as shall by the order be prescribed, to make and deliver or transmit by mail, postage paid, to the clerk of the court a schedule as required by section 6005 and verified by the oath of the debtor. Such debtor shall be allowed from time to time, upon oath, to amend or correct his schedule of creditors and property so that the same shall conform to the facts. If the insolvent is absent or cannot be found in this state, such schedule shall be prepared by some person to be appointed by the court for that purpose according to the best information he can obtain.

§ 6046. SELECTION OF EXEMPTIONS.] The debtor or other person authorized by law shall, within ten days after written notice of the filing of the report of the appraisers provided for in section 6044 is served, select his homestead and exemptions to the amount allowed by law. In making the appraisal of such exemptions the debtor, his agent or attorney must select one person, and the assignee or his attorney another person, and these two so selected, a third person, who must all be disinterested citizens of the county

where the insolvent resides, and not related to either party nearer than the fourth degree. If the two fail to agree upon the third person, the clerk of the district court must select the third person; and in like manner if either the insolvent or assignee fail or refuse upon notice to select a person to act as one of the appraisers, the clerk of the court must select one for them. The three appraisers so selected must take and subscribe an oath before the clerk of the court or other officer, to be attached to the inventory of appraisal, that they will truly, honestly and impartially appraise the exemptions to be selected. The property must be appraised at the actual value of the articles at the places at which they are situated as nearly as can be determined, and must be set down in an inventory by articles or lots, when definitely descriptive, with the value opposite. Upon the selection of the homestead and exemptions as above provided, a report and inventory of the same shall be presented to the district court by the insolvent or the assignee, and the court, if satisfied that the debtor or other person claiming the same as exempt is entitled thereto, shall make an order setting apart such homestead and exemptions to the debtor or other person claiming the same.

§ 6081. WHEN NOT GRANTED.] No discharge shall be granted:

1. If such debtor has willfully sworn falsely in his affidavit annexed to his petition or schedule, or upon any examination in the course of the proceedings in insolvency, in relation to any material fact.

2. If after the presentation of the petition in insolvency, he shall sell or in any way transfer or assign any of his property or collect any debt due him and shall not give a just and true account thereof on the hearing of his application, and shall not also pay over to the assignee all money so collected or the value of the property so assigned.

3. If he shall secrete any part of his estate or any books or writings relative thereto with the intent to defraud creditors.

4. If he shall fraudulently conceal the names of any of his creditors or the amount of any sum due to any of them.

5. If he shall pay or consent to the payment of any portion of the debt of any of his creditors, or shall grant or consent to the granting of any gift or reward to any such creditor upon any express or implied contract or trust that the creditor so paid or rewarded should abstain or desist from opposing the discharge of such insolvent.

6. If he shall be guilty of any fraud whatever contrary to the true intent of this chapter.

§ 6089. WHAT PREFERENCES VOID—RECOVERY.] If a person, being insolvent or in contemplation of insolvency, within sixty days before the filing of the petition by him, with the view of giving a preference to any creditor or person who has a claim against him or is under liability for him, procures any part of his property to be attached or seized upon execution or makes any

payment, pledge, assignment, transfer or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally, with the intent and for the purpose of defrauding creditors, the person receiving such payment, pledge, assignment, transfer or conveyance, or to be benefited thereby, having reasonable cause to believe that such person is insolvent or in contemplation of insolvency, or that such payment, pledge, assignment, transfer or conveyance is made in fraud of the rights of creditors, the same shall be void; and the assignee may recover the property or the value of it from the person so receiving it or so benefited, but any transfer of property made, money paid, or security given in good faith for the purpose of paying or securing a bona fide indebtedness shall be valid, whether such transfer was made, money paid, or security given before or after the passage and approval of this act.

§ 6090. WHEN PAYMENT OR SECURITY VOID—JUDGMENTS.] Any payment by the insolvent of a pre-existing debt or any pledge, assignment, transfer or conveyance of any part of his property to secure the payment of the same, either directly or indirectly, absolutely or conditionally, made with the intent and for the purpose of defrauding his creditors, and made within thirty days before the filing of the petition by the insolvent, shall be void, and the assignee may recover the property, or the value of it, from the person receiving it, or to be benefited thereby. No judgment rendered in an action which has not been pending for more than six months before the filing of the petition by the insolvent and not docketed until within thirty days before the filing of such petition shall be a lien upon the whole property of the insolvent.

§ 6091. JUDGMENT, WHEN FINAL—NEW TRIAL.] The judgment of the district court granting or refusing the application of the insolvent for a discharge from his debts, as mentioned in section 6084, shall be final and shall not be subject to an attack on any proposition by or against the insolvent unless a new trial is granted or an appeal to the Supreme Court from such judgment procured within thirty days, or such further time as the court shall allow, not exceeding sixty days, after the entry of such judgment in the office of the clerk of the district court of the county wherein such insolvent resided at the commencement of the insolvency proceedings.

§ 6092. APPEALS.] Appeals may be taken to the Supreme Court by such insolvent from an adjudication of insolvency or an adjudication refusing a discharge of his debts, or from an order granting a new trial, vacating his discharge, or by any creditor opposing such discharge, from any order granting a new trial, or an order in favor of the insolvent, upon a new trial of the application for a discharge; which appeal shall be taken as ordinary appeals in civil actions.

Whereas, an emergency exists in this, that there is no adequate provision of law providing for an appeal to the Supreme Court by

the insolvent in cases refusing a discharge from indebtedness; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 27th, 1897.

INSURANCE COMPANIES.

CHAPTER 94.

[H. B. 15.]

TAXATION OF INSURANCE COMPANIES.

AN ACT, Providing for the Taxation of Insurance Companies.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. STATEMENT OF BUSINESS.] Every insurance company doing business in this state, except joint stock and mutual companies, organized under the laws of this state, shall at the time of making the annual statement of business done in 1897, as required by law, pay to the Commissioner of Insurance five per cent. of the gross amount of premiums received in this state during the year 1897, and two and one-half per cent. on the gross amount of premiums received each year thereafter. Upon payment of such sum the Commissioner of Insurance shall issue the annual certificates provided by law.

§ 2. EMERGENCY.] *Whereas*, An emergency exists in that there is no adequate provision for the taxation of insurance companies, now *therefore*, this act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 20th, 1897.