

common with the owner thereof when necessary; but such uses, crossings, intersections and connections shall be made in the manner most compatible with the greatest public benefit and the least private injury.

6. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law.

Approved March 6, 1901.

EXEMPTIONS.

CHAPTER 76.

[H. B. 24.]

RELATING TO EXEMPTIONS.

AN ACT Entitled an Act to Amend Sections 324, 328 and 333 of the Code of Civil Procedure of the State of North Dakota, Being Sections 5518, 5522 and 5528 of the Revised Codes of 1895 of the State of North Dakota, Relating to Exemptions.

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

§ 1. AMENDMENT.] That sections 324, 328 and 333 of the code of civil procedure of the state of North Dakota, being sections 5518, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, are hereby amended to read as follows:

§ 5518. ADDITIONAL EXEMPTIONS.] In addition to the property mentioned in the preceding section, the head of the family may, by himself or his agent, select from all other of his personal property, not absolutely exempt, goods, chattels, merchandise, money or other personal property, not to exceed in the aggregate one thousand dollars in value, which is also exempt and must be chosen and appraised as hereinafter provided.

§ 5522. OATH AND DUTIES OF APPRAISERS.] The three appraisers so selected must take and subscribe an oath before the sheriff or other officer, to be attached to the inventory of appraisement, that they will truly, honestly and impartially appraise the property of the debtor. The property must be appraised at the actual value of the several articles at the place where they are situated as near as can be determined, and must be set down in an inventory by articles or by lots, when definitely descriptive, with the value opposite. From the appraisement so made, if over the amount of one thousand dollars, the debtor, his agent or attorney, may select the amount in value of one thousand dollars, or the alternative in order of each class, leaving the remainder, if any, subject to legal process.

§ 5528. PARTNERSHIP CAN CLAIM BUT ONE EXEMPTION.] A partnership firm can claim but one exemption of one thousand dollars in value or alternative property, when so applicable, instead thereof, out of the partnership property. All partnership property claimed as exempt shall constitute a part of the exemptions of the several partners, the same being divided in proportion to the interests of the partners in the firm assets, and in no case shall the aggregate exemptions of the several partners exceed the amount which would have been allowed to them if the partnership had not existed.

§ 2. PRIOR DEBTS NOT EXEMPTED.] Provided, however, that the provisions of this act shall not apply to or affect any debt contracted prior to the passage and approval of this act.

Approved March 12, 1901.

CHAPTER 77.

[S. B. 23.]

EXEMPTIONS IN CERTAIN CASES.

AN ACT to Amend Section 5526, Revised Codes of North Dakota, Relating to Exemptions in certain cases:

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

§ 1. AMENDMENT. Section 5526, Revised Codes, is hereby amended to read as follows:

§ 5526. CASES IN WHICH ONLY ABSOLUTE EXEMPTIONS ARE ALLOWED.] No personal property, except absolute exemptions, shall be exempt from execution or attachment in an action for laborers' or mechanics' wages, or for a debt incurred for property obtained under false pretenses; and no personal property shall be exempt from such process in an action for the collection of the bills of a legally practicing physician or nurse for professional service or medicine, or in an action for the collection of a bill for board, medicine or attendance furnished patients at any hospital in this state, except absolute exemptions and household and kitchen furniture, stoves and two cows, the value of which, exclusive of absolute exemptions, shall not exceed five hundred dollars, which value in case of dispute shall be determined by appraisers to be selected in accordance with the provisions of section 5521.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved Feb. 27, 1901.