

time of his death. No temporary absence for purposes of business, health or pleasure shall constitute a change of residence for the purposes of this section.

(b) A child or children, who were living while the deceased was on the payroll of the fire department, or who were born within nine months after said decedent was withdrawn from the payroll of said fire department, such widow and such child or children shall be entitled to a pension as follows:

(1) To such widow a pension of the sum of \$65 per month for her natural life, and a pension of \$17.50 per month for each child of such deceased member under eighteen years of age. The amount of such pension for such child or children shall be determined by the association, but the total amount of such pension or pensions shall not exceed the sum of \$75 per month, and provided if such widow shall remarry, then her pension shall cease and terminate as of the date of her said remarriage.

(2) To such child or children of a deceased member, after the death of the widow of such member, a monthly pension, or pensions, in such amount or amounts in excess of \$17.50 per month for each child as the board of trustees of such association shall deem necessary to properly support such child or children until they reach the age of eighteen years, but not to exceed the sum of \$75 per month to the children of any one family.

Approved April 6, 1949.

CHAPTER 282—H. F. No. 678

An act to exempt the tools, implements, and instruments of a mechanic, miner, or other person from liability to attachment, or sale on any final process, issued from any court; amending Minnesota Statutes 1945, Section 550.37.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Minnesota Statutes 1945, Section 550.37, is amended to read :

550.37. **Property exempt.** No property hereinafter mentioned shall be liable to attachment, or sale on any final process, issued from any court:

- (1) The family Bible;
- (2) Family pictures, school books or library, and musical instruments for the use of the family;
- (3) A seat or pew in any house or place of public worship;
- (4) A lot in any burial ground;
- (5) All wearing apparel of the debtor and his family; all beds, bedsteads, and bedding kept and used by the debtor and his family; all stoves and appendages put up or kept for the use of the debtor and his family; all cooking utensils; and all other household furniture not herein enumerated, not exceeding \$500 in value;
- (6) Three cows, ten swine, a span of horses or mules or in lieu of such span of horses or mules, one farm tractor, 100 chickens, 50 turkeys, 20 sheep, and the wool from the same, either in raw material or manufactured into yarn or cloth; food for all the stock above mentioned necessary for one year's support, either provided or growing, or both, as the debtor may choose; one wagon, cart, or dray, one sleigh, two plows, one drag; and other farming utensils, including tackle for teams, not exceeding \$300 in value;
- (7) 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;
- (8) The tools, *implements*, and instruments of a mechanic, miner, or other person, *to the exercise of whose trade or business tools, implements, or instruments are necessary*, used and kept for the purpose of carrying on his trade; in addition thereto, stock in trade, including goods manufactured in whole or in part by him, not exceeding \$400 in value; and the library and implements of a professional man;
- (9) The presses, stones, type, cases, and other tools and implements used by any person or copartnership in printing

or publishing a newspaper, or by any person hired by him to use them, not exceeding \$2,000 in value, together with stock in trade not exceeding \$400 in value;

(10) One watch, one sewing machine, one typewriting machine, and one bicycle;

(11) Necessary seed for the actual personal use of the debtor for one season, not to exceed in any case the following amounts: 100 bushels of wheat, 100 bushels of rye, 100 bushels of barley, 100 bushels of potatoes, 100 bushels of oats, 100 bushels of flax, 100 bushels of corn; and binding material sufficient for use in harvesting the crop raised from such seed;

(12) The library and philosophical and chemical or other apparatus belonging to, and used for the instruction of youth in, any university, college, seminary of learning, or school which is indiscriminately open to the public;

(13) All money arising from fire or other insurance upon any property exempt from sale on execution;

(14) All money received by, or payable to, a surviving wife or child from insurance upon the life of a deceased husband or father, not exceeding \$10,000;

(15) All money, relief, or other benefits payable to or to be rendered by any police department association, fire department association, beneficiary association, or fraternal benefit association to any person entitled to assistance therefrom, or to any certificate holder thereof or beneficiary under any such certificate;

(16) The wages of any person not exceeding \$35, plus \$5.00 additional for each actual dependent of such person, due for any services rendered by him for another during 30 days preceding any attachment, garnishment, or the levy of any execution against him; provided, that all wages paid to such person, and earned within this 30-day period, shall be deemed and considered a part, or all, as the case may be, of this exemption of \$35, plus \$5.00 additional for each dependent. The exemption above referred to shall be allowed out of the wages of any such person as a right whether claimed or not, unless the employee, his agent or attorney, shall file with the court in which the action is pending his written waiver of all or part

of such exemption; in the absence of proof of dependents he shall be entitled to an exemption of \$35 in any event; and if proof is made by affidavit or testimony of additional dependents he shall be entitled to such additional exemption as provided by this clause; provided, that the party instituting garnishment proceedings shall pay the cost of any garnishment where the amount in the hands of the garnishee is wholly exempt; the exemption shall be allowed out of the wages of any such person and paid when due by the employer, as if no garnishment summons had been served; the spouse of such person, all minor children under the age of 18 years and all other persons wholly dependent upon him or her for support are to be classed as dependents within the meaning of this clause; provided, that the maximum exemption in any case shall not exceed \$50; the salary or wages of any debtor who is or has been a recipient of relief based on need shall, upon his return to private employment after having been a recipient of public relief, be exempt from attachment, garnishment, or levy of execution for a period of six months after his return to employment; provided, that he may take advantage of such exemption provisions only once in every three years; provided, that agencies distributing relief shall, at the request of creditors, or their agents or attorneys, inform them whether or not any debtor has been a recipient of relief based on need within such period of six months;

(17) The earnings of the minor child of any debtor or the proceeds thereof, by reason of any liability of such debtor not contracted for the special benefit of such minor child;

(18) The claim for damages recoverable by any person by reason of a levy upon or sale under execution of his exempt personal property, or by reason of the wrongful taking or detention of such property by any person, and any judgment recovered for such damages;

All articles exempted by this section shall be selected by the debtor, his agent, or legal representative. The exemptions provided for in clauses (6) to (18) shall extend only to debtors having an actual residence in the state. No property exempted hereby shall be exempt from attachment or execution in an action for the recovery of the purchase money of the same property.

Approved April 6, 1949.