

by such fence, or any other structure, may have an action of tort for the damage sustained thereby and may have such nuisance abated.

Approved April 24, 1907.

CHAPTER 388—H. F. NO. 590.

An Act to amend section 1597, Revised Laws 1905, relating to kinds of business insurance companies may transact.

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

Employees insured.—Section 1. That subdivision five (5) of section fifteen hundred and ninety-seven (1597) be and the same hereby is amended so as to read as follows:

“5. To insure against loss or damage by the sickness, bodily injury or death by accident, of the assured or of any other person employed by or for whom the assured is responsible.”

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 24, 1907.

CHAPTER 389—H. F. NO. 606.

An Act to protect the rights of homestead claimants in proceedings to foreclose real estate mortgages and to provide that such homestead shall be offered for sale as a separate parcel only.

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

Notice of claim.—Section 1. In all proceedings to foreclose any mortgage upon real property in this state, if the whole or any part of the homestead of the mortgagor or of any one claiming under him, as such homestead is defined by the laws of this state, shall be included in the real estate described in such mortgage, the person claiming such homestead may, at any time prior to the foreclosure sale, serve or cause to be served upon the sheriff making such sale a notice of such claim which shall designate and describe with reasonable certainty the real estate so claimed and selected as such

homestead, which selection shall include the site of the dwelling and its appurtenances, shall be compact in form and shall be so made as not unreasonably to affect the value of the remaining part, which notice together with the proof of service thereof shall be filed for record and recorded in the office of the register of deeds. Upon the service and filing of such notice it shall be the duty of the sheriff, at the time of the sale, to first offer for sale and sell that part of the mortgaged real estate, or so much thereof as is necessary, which is not included in such selected homestead, and thereupon, if the proper purposes of such foreclosure require, he shall offer for sale and shall sell separately that part of the mortgaged real estate included in such selected homestead, *provided* that if such homestead claimant shall have prior to such foreclosure made a property homestead selection from his real estate he shall be bound thereby, and cannot change the same for the purposes of such foreclosure.

Approved April 24, 1907.

CHAPTER 390—H. F. NO. 617.

An Act to amend section four hundred and thirty-one (431) of Revised Laws one thousand nine hundred and five (1905), relating to appropriations for expenses of county officers.

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

Mileage and per diem.—Section 1. That section four hundred and thirty-one (431) of Revised Laws of one thousand nine hundred and five (1905) be, and the same is hereby amended so as to read as follows:

Section 431. At its regular meetings in January and July the board may appropriate from the county revenue fund a sum not exceeding three hundred and fifty (\$350) dollars to pay incidental expenses of county officers incurred for postage and necessary express and telephone charges, and the mileage and per diem of town officers making election returns and for such other purposes as the county board may lawfully direct, to be paid on the warrant of the county auditor upon the presentation of a properly itemized and verified bill, except in cases where the county auditor considers the sum charged excessive, in which cases he shall file the bill