

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

if requested by the person presenting same, for action of the board at its next meeting. *Provided*, that no county officer or any other person presenting a claim on the incidental fund shall receive more than fifteen (\$15.00) dollars therefrom at any one time.

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

Approved April 24, 1907.

CHAPTER 391—H. F. No. 621.

An Act to define the effect of certain recorded deeds made by executors, administrators or guardians where the probate court records have been destroyed by fire.

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

Conveyances.—Section 1. Whenever it shall appear that probate court records of any estate have been destroyed by fire, and a deed purporting to convey real estate and to be made by an executor, administrator or guardian of such estate claiming to act under the jurisdiction of said court shall have been made and recorded in the office of the register of deeds of the county wherein the land thereby conveyed is situated, more than six years prior to the passage of this act, then such deed or the record thereof shall be taken and considered as prima facie evidence that the person executing such deed was at the time of such execution and delivery of deed the legal representative of said estate, duly authorized to make and deliver said deed by a court having full jurisdiction over said estate, and that all proceedings required by statute in the sales of real estate by legal representatives of estates from the time of filing of petition for license to the time of the execution and delivery of the deed have been duly complied with, and that all facts recited in said deed pertaining to the sale are true.

Sec. 2. This act shall not affect any action heretofore commenced.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 24, 1907.