

regarded as dangerous, and requiring such corporation to cause the same to be protected by a suitable fence, as provided in the first section of this act. That the company or corporation so operating such railroad, and notified as aforesaid, shall cause such fence to be erected within sixty days from the time of the service of such notice, and in case of neglect or omission so to do, such company or corporation so in default, shall be liable to a penalty of ten dollars for each and every day it shall so remain in default, to be recovered at the suit of the town supervisors, before any justice of the peace of the town named in such notice. *Provided, however,* That no such notice shall be given between the first day of December and the first day of April, nor shall any such fence be required to be constructed during the months of December, January, February and March of any year.

SEC. 3. This act to take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1870.

## CHAPTER XVII.

*An Act to provide for service of process in certain cases.*

March 2, 1870.

SECTION 1. Upon whom papers in civil actions may be served against railroad companies—  
not to be construed as repealing existing laws authorizing such service.

2. When act to take effect.

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

SECTION 1. The service of all process and papers in any civil action or proceeding before any justice of the peace against any railroad company within this state, may be made upon any acting ticket or freight agent of such company within the county in which the action or proceeding shall be commenced, and shall be taken and held

Upon whom papers in actions against railroad companies may be served—not to affect existing laws.

in all cases to be a legal service: *Provided*, That whenever any railroad company has appeared in an action by an attorney, thereafter such service shall be made upon the attorney of record; and *Provided further*, That this act shall not be construed as repealing any existing law authorizing the service of process and papers upon railroad companies.

When act to take effect.

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

Approved March 2, 1870.

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## CHAPTER XVIII.

Feb'y 24, 1870.

*An Act to amend an act entitled an act to authorize Guardians to convey to Railroad Companies the right of way and depot sites on and upon lands belonging to their wards," approved March five, one thousand eight hundred and sixty-nine.*

SECTION 1. Amendment to Section One (1) of Chapter Sixty-Two (62) General Laws of 1869.

It shall be lawful for guardians to convey to railroad companies the right of way across the lands belonging to infant heirs subject to the approval of the Probate Court—such approval and confirmation shall be endorsed upon the deed and so recorded—a petition to be filed in Probate Court before granting such confirmation—what to contain.

2. When act to take effect.

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

SECTION 1. That section one of said act be and the same is hereby amended so as to read as follows:

Sec. 1. Whenever any railroad company has located the line of its road upon a crop, or contiguous to any lands or lots belonging to infant heirs, or other wards, or in which such heirs or wards have any interest, it shall be lawful for the guardian of such heirs or wards to sell and