

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.

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

convey to such railroad company, upon such terms as may be agreed upon between said guardian and said company, such portion of said lands or lots as may be deemed necessary or required by said company, and the right of way upon and across the same, together with all necessary grounds for depots, engine and station houses and side tracks, subject only to the approval and confirmation of the probate court of the county having jurisdiction of the matter of the guardianship of such heirs or wards. Such approval and confirmation shall be endorsed upon or annexed to the deed or other instrument between the parties, and shall be recorded with and as a part of such deed or instrument in the office of the register of deeds in the proper county, and shall be notice to all parties interested of the facts therein stated. *Provided*, That before granting such approval and confirmation, the judge of probate shall require a petition subscribed and verified by such guardian, and signed by some officer of said company, to be filed in said probate court, setting forth the names of such heirs or wards, the name of such railroad company, a description of the lands or lots to be conveyed, the terms of sale, and that the price to be paid is the just and full value of the lands or lots intended to be conveyed to said company, and upon the filing of such petition the judge of probate shall determine the matter without any further formality, notice, order or delay whatever.

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

Guardians may convey to railroad companies the right of way across lands belonging to their wards—in what manner.

When act to take effect.

Approved February 24, 1870.