

CHAPTER 80.

AN ACT PROVIDING THE MANNER OF APPOINTING GUARDIANS AD LITEM.

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

SECTION 1. That whenever it shall be necessary to appoint a guardian for any infant a party to any action, such guardian shall be appointed as follows:

Appointment
of guardian—
how made—
when infant is
plaintiff.

First.—When the infant is plaintiff, upon the application of the infant, if he is of the age of fourteen (14) years, or if under that age, upon the application of a relative or friend, or the general or testamentary guardian of the infant; if upon the application of a relative or friend of the infant, notice thereof shall first be given to the general or testamentary guardian of the infant, if he has one within this State; if he has none and resides within this State, then to the person with whom such infant resides.

When infant is
defendant.

Second.—When the infant is defendant, upon the application of the infant, if he is of the age of fourteen (14) years and applies within twenty (20) days after the service of the summons; if he is under the age of fourteen (14), or neglects so to apply, then upon the application of any other party to the action, or of the general or testamentary guardian, or of a relative or friend of the infant, notice of such application, when made by such party, relative or friend, first being given to such general or testamentary guardian, if the infant has one within this State; if he has none, then to the infant himself, if over fourteen (14) years of age and within this State; or if under that age and within the State, then to the person with whom such infant resides. If such infant have no general or testamentary guardian within this State, or if such infant be not within this State, notice of such application shall be given by the publication of a copy thereof once in each week for three (3) successive weeks, in a newspaper printed and published in the county in which the action is brought; and if there is no such newspaper in the county, then in a newspaper printed and published at the capital of the State. The return of the sheriff of the county in which the action is brought, made upon the summons, that such infant defendant cannot be found within such county, shall be *prima facie* evidence that such infant is not within this State, and that he has no general or testamentary guardian therein.

When act to
take effect.

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

Approved February 15, 1877.