

tees, may call a special meeting, or any five members may call such meeting by giving notice to each member at least ten days before the time of such meeting.

SEC. 6. That said Board of Trustees shall faithfully apply all funds by them collected or received, according to their best judgment, in erecting suitable buildings, supporting the necessary officers and instructors, and in procuring books and apparatus necessary to the success of the Institution. Provided, nevertheless, that in case any donation or bequest be made for particular purposes, the same shall be applied in conformity to the conditions or designs expressed by the donor.

Funds.

SEC. 7. That the Treasurer of this Institution shall always, and all other agents when required, before entering upon the duties of their appointments, give bond for the security of the Corporation and of the Public, and in such penal sum, and with such securities as the Board of Trustees shall approve.

Bonds.

SEC. 8. That the profession of any particular religious faith, shall not be required of those who become students.

Religious tenets.

SEC. 9. That any articles of incorporation of the College of St. Paul, filed under the provisions of the General Incorporation Act of this Territory, are null and void after the passage of this act: Provided, that the corporation hereby created shall succeed to all the rights and privileges which may belong to the College of St. Paul, under any prior articles of incorporation.

Incorporation Act.

SEC. 10. This act shall take effect from and after its passage.

To be in force.

CHARLES GARDNER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—February twenty-third, one thousand eight hundred and fifty-six.

W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

J. TRAVIS ROSSER,

Secretary of the Territory of Minnesota.

CHAPTER LIX.

An Act to authorize Clerks of Courts of Record, and Justices of the Peace, in this Territory, to issue Subpoenas to witnesses to appear before the Register and Receiver of the Land Office.

- SECTION 1. Compulsory process for witnesses.
 2. Manner of issuing subpoenas.
 3. Form of Subpoena.
 4. Fees of Witnesses.
 5. Failing to appear.
 6. Refusing to answer questions.
 7. Vacation and term time.
 8. How construed.
 9. When to take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. In all applications before the Register and Receiver of any

- Witnesses.** United States Land Office in this Territory, to pre-empt or to enter as a town site, any portion of the public lands, and in all contests concerning the same before said officers, each and every applicant and contestant shall have compulsory process for witnesses to establish his right to pre-empt or enter or disprove the right of adverse claimants.
- Issuing Subpoenas.** SEC. 2. That whenever any pre-emptor or adverse claimant shall present to the Clerk of any Court of Record and Justice of the Peace the official notice of the Register and Receiver of any land office in this Territory, stating the name or names of the claimants, the name or names of the contestants, the time and place of meeting for the having said contests, it shall be the duty of the said Clerk to issue subpoenas for witnesses for either party to attend before the said Register and Receiver at the time and place specified in the notice of said Register and Receiver.
- Form of Subpoenas.** SEC. 3. Such subpoena may be in the form commonly used, except that they shall notify the witnesses in whose behalf they are called upon to testify and in what proceeding.
- Fees of Witnesses.** SEC. 4. Each witness shall be allowed the same fees for attendance and travel as in cases pending before the Courts of this Territory, but no person shall be obliged to attend as witness unless the fees are paid or tendered him, which are allowed by law for one day's attendance as a witness and for traveling to and returning from the place he is required to attend. Each party shall pay his own witnesses in all cases subpoenaed under the provisions of this act.
- Failing to appear.** SEC. 5. If any person duly subpoenaed as such witness, shall fail to attend as required, without reasonable excuse, he shall be liable to the party aggrieved for all damages occasioned by such failure, to be recovered in a civil action.
- Questions.** SEC. 6. If any person attending as a witness under the provisions of this act, shall refuse to be sworn and examined, or being sworn shall refuse to answer any questions put to him and not overruled by said land officers, and the answer to which will not have a tendency to accuse him of a crime or misdemeanor, or to him to any penalty or forfeiture, he shall be liable to the party aggrieved for all damages occasioned by such refusal, to be recovered in a civil action, and if the subpoena on which he attested shall have been issued out of any Court of Record, such refusal shall be considered a contempt of said Court, and be punished by fine and imprisonment at the discretion of said Court.
- Term time.** SEC. 7. Such Court may also issue an attachment to bring such witness before them in vacation as well as term time to answer for said contempt.
- How construed.** SEC. 8. The provisions of this act shall not be so construed as in any way to impair the validity of Section 53 of Chapter 95 of the Revised Statutes of Minnesota.
- To take effect.** SEC. 9. This act shall take effect from and after its passage.

CHARLES GARDNER.

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—March first, one thousand eight hundred and fifty-six.

W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

J. TRAVIS ROSSER,

Secretary of Minnesota Territory.