

March 3, 1869.

CHAP. CXXXVII. — *An Act to authorize the Transfer of Lands granted to the Union Pacific Railway Company, Eastern Division, between Denver and the Point of its Connection with the Union Pacific Railroad, to the Denver Pacific Railway and Telegraph Company, and to expedite the Completion of Railroads to Denver, in the Territory of Colorado.*

Union Pacific R. R. Co. may contract with Denver Pacific R. and T. Co. for the construction, &c. of its road and telegraph between Denver City and Cheyenne, &c.;

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Union Pacific Railway Company, eastern division, be, and it hereby is, authorized to contract with the Denver Pacific Railway and Telegraph Company, a corporation existing under the laws of the Territory of Colorado, for the construction, operation, and maintenance of that part of its line of railroad and telegraph between Denver City and its point of connection with the Union Pacific railroad, which point shall be at Cheyenne, and to adopt the road-bed already graded by said Denver Pacific Railway and Telegraph Company as said line, and to grant to said Denver Pacific Railway and Telegraph Company the perpetual use of its right of way and depot grounds, and to transfer to it all the rights and privileges, subject to all the obligations pertaining to said part of its line.

shall extend its railroad and telegraph to, &c. so as to form continuous line from Kansas City to Cheyenne.

SEC. 2. *And be it further enacted,* That the said Union Pacific Railway Company, eastern division, shall extend its railroad and telegraph to a connection at the city of Denver, so as to form with that part of its line herein authorized to be constructed, operated, and maintained by the Denver Pacific Railway and Telegraph Company, a continuous line of railroad and telegraph from Kansas City, by way of Denver to Cheyenne. And all the provisions of law for the operation of the Union Pacific railroad, its branches and connections, as a continuous line, without discrimination, shall apply the same as if the road from Denver to Cheyenne had been constructed by the said Union Pacific Railway Company, eastern division; but nothing herein shall authorize the said eastern division company to operate the road or fix the rates of tariff for the Denver Pacific Railway and Telegraph Company.

Laws to apply.

Operating of road and rates of tariff not affected.

The companies may mortgage their roads;

SEC. 3. *And be it further enacted,* That said companies are hereby authorized to mortgage their respective portions of said road, as herein defined, for an amount not exceeding thirty-two thousand dollars per mile, to enable them respectively to borrow money to construct the same; and that each of said companies shall receive patents to the alternate sections of land along their respective lines of road, as herein defined, in like manner and within the same limits as is provided by law in the case of lands granted to the Union Pacific Railway Company, eastern division: *Provided,* That neither of the companies hereinbefore mentioned shall be entitled to subsidy in United States bonds under the provisions of this act.

to receive patents for alternate sections of land;

but not entitled to subsidy in United States bonds.

APPROVED, March 3, 1869.

March 3, 1869.

CHAP. CXXXVIII. — *An Act to provide for the Execution in the District of Columbia of Commissions issued by the Courts of the States and Territories of the United States or of Foreign Nations, and for taking Depositions to be used in such Courts.*

Provision for taking testimony of witnesses in the District of Columbia under commissions to be used in suits pending elsewhere.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any party to any suit depending in any court of any State or Territory of the United States, or of any foreign nation, may obtain the testimony of any witness residing in, or temporarily within, the District of Columbia, to be used in such suit. When a commission to take such testimony shall have issued from the court in which such suit is pending, or a notice shall have been given according to the rules of practice prevailing in such court, on producing the same to a justice of the supreme court of the District of Columbia, and on due proof being made to such officer that the testimony of any witness residing in the District, or temporarily within it, is material to the party desiring the same, such officer shall issue a summons to such wit-

Witnesses to be summoned.

ness, requiring him to appear before the commissioners named in such commission or notice to testify to such suit. Such summons shall specify the time and place at which such witness is required to attend, which shall be within the District of Columbia.

SEC. 2. *And be it further enacted,* That if a suit be pending in any court of any State or Territory of the United States, or of any foreign nation, and it shall satisfactorily appear by affidavit to any officer named in the next preceding section, or to the judge of the orphans' court, or any commissioner for the taking of depositions appointed by the supreme court of the District, —

First. That any person residing or temporarily dwelling in the District of Columbia is a material witness for either party to such suit;

Secondly. That no commission or notice to take the testimony of such witness has been issued or given; and

Thirdly. That according to the course and practice of the court in which such suit is pending, the deposition of a witness taken without the presence and consent of both parties will be received on the trial or hearing of such suit;

Such officer shall issue his summons requiring such witness to appear before him at a place within the District at some reasonable time to testify in such suit.

SEC. 3. *And be it further enacted,* That the officer before whom such witness shall appear shall take down his testimony in writing, and shall certify and transmit the same to the court before which such suit is pending in such manner as the practice of the court may require. If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued in accordance with this act, or if, on his appearance, he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offence on the trial of a suit.

SEC. 4. *And be it further enacted,* That every witness appearing and testifying under this act shall be entitled to receive from the party at whose instance he has been summoned the fees now provided by law for each day he shall give attendance.

APPROVED, March 3, 1869.

Provision for summoning witnesses to testify in certain suits.

Testimony to be taken in writing, certified and transmitted.

Penalties upon persons summoned as witnesses for not attending.

Fees of witnesses.

CHAP. CXXIX. — *An Act granting the Right of Way to the Walla-Walla and Columbia River Railroad Company, and for other Purposes.*

March 3, 1869.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the right of way through the public lands be, and the same is hereby, granted to the Walla-Walla and Columbia River Railroad Company, a corporation existing under the laws of the Territory of Washington, and duly incorporated for the purpose of constructing a railroad from said town of Walla-Walla to some eligible point on the navigable waters of said Columbia river, in said Territory; said right of way hereby granted to said railroad is to the extent of one hundred feet in width on each side of said road where it may pass over the public lands; also, all necessary ground, not to exceed five acres at each station, for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations.

Right of way granted to the Walla-Walla and Columbia River R. R. Co. from Walla-Walla to Columbia river.

Width of way, land for stations, &c.

SEC. 2. *And be it further enacted,* That the county commissioners of the county of Walla-Walla, in the Territory of Washington, be, and they are hereby, authorized and empowered to aid in the construction of the Walla-Walla and Columbia River railroad by subscribing to the capital stock of said Walla-Walla and Columbia River Railroad Company in the name and on behalf of said county of Walla-Walla, and by issuing bonds of said county, payable at such time as said commissioners shall think proper, and bearing interest of not more than eight per cent. per annum, in payment for said stock so by them taken in said railroad company, or

County commissioners of Walla-Walla county may subscribe for stock of road, and issue bonds for payment, &c.