

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.

by issuing bonds, bearing interest as aforesaid, as a loan to said company, to be used in the construction of said road, or to aid said company in the construction of said road by the credit of said county in any other manner the said commissioners may think proper: *Provided*, That the said subscription, loan, or other aid so given by said commissioners to said company shall in no case exceed the sum of three hundred thousand dollars: *And provided further*, That the said subscription, loan, or other aid, shall have been submitted to the people of said county and been voted for by three fourths of the legal vote cast at an election held for that purpose: *And provided further*, That if said vote be taken at a special election, the notice shall be the same as provided by the laws of said Territory for general elections.

SEC. 3. *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 hold a special election, at such times as they may designate, after twenty days' public notice, which said election shall be governed by the general laws of the Territory upon the subject of elections, at which election the aid to be given by said county to said Walla-Walla and Columbia River Railroad Company, either by subscriptions to stock or otherwise, shall be submitted to and be voted upon by the legal voters of said county in such manner as said commissioners may designate: *Provided*, That this grant is made upon the express condition that any effort by said company hereafter to obtain any land grant, subsidy, or pecuniary aid from the United States government shall work a forfeiture of this grant.

APPROVED, March 3, 1869.

Subscription,
&c. not to exceed
\$ 300,000;

to be submitted
to the people,
and approved by
three fourths of
the legal votes
cast.

Notice of elec-
tion.

County commis-
sioners may
hold special elec-
tion to take a
vote of the coun-
ty upon granting
aid to the road.

Attempting to
obtain future as-
sistance from the
United States to
work forfeiture
of this grant.

March 3, 1869.

CHAP. CXXX. — *An Act regulating the Reports of National Banking Associations.*

Banking as-
sociations to
make not less
than five reports
each year to
comptroller of
currency.

1864, ch. 106,
§ 34.

Vol. xiii, p. 109.

Reports how
verified and to
exhibit what;
to be sent to
comptroller
within five days
after receipt of
request therefor;

to be published
in a newspaper.

Proof of pub-
lication.

Special re-
ports.

Penalty for
failing to make
and transmit
reports;

how may be
collected;

to be paid into
the treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of all reports required by section thirty-four of the national currency act, every association shall make to the comptroller of the currency not less than five reports during each and every year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least three of the directors; which report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the association at the close of business on any past day to be by him specified, and shall transmit such report to the comptroller within five days after the receipt of a request or requisition therefor from him; and the report of each association above required, in the same form in which it is made to the comptroller, shall be published in a newspaper published in the place where such association is established, or if there be no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the comptroller. And the comptroller shall have power to call for special reports from any particular association whenever in his judgment the same shall be necessary in order to a full and complete knowledge of its condition. Any association failing to make and transmit any such report shall be subject to a penalty of one hundred dollars for each day after five days that such bank shall delay to make and transmit any report as aforesaid; and in case any association shall delay or refuse to pay the penalty herein imposed when the same shall be assessed by the comptroller of the currency, the amount of such penalty may be retained by the Treasurer of the United States, upon the order of the comptroller of the currency, out of the interest, as it may become due to the association, on the bonds deposited with him to secure circulation; and all sums of money collected for penalties under this section shall be paid into the treasury of the United States.