

there be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums:

For the salary of the commissioner, two thousand five hundred dollars;

Commissioner's salary.

For the salary of the surveyor, two thousand dollars;

Surveyor's salary.

For the salary of the clerk, one thousand two hundred dollars: *Provided*, That the salaries of the said officers shall not commence until they shall be ordered into service.

Clerk's salary. Salaries when to commence.

For other expenses of the survey of boundary required by said convention, including the purchase of instruments, wages to persons employed, and other contingencies, ten thousand dollars.

Contingent expenses.

APPROVED, January 11, 1839.

CHAP. III.—*An Act to amend an act entitled "An act to require the judge of the district of East and West Tennessee to hold a court at Jackson, in said State," approved June eighteenth, eighteen hundred and thirty-eight.* (a)

STATUTE III.

Jan. 16, 1839.

Act of June 18, 1838, ch. 118.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to the counties specified in the first section of the act to which this is an amendment, the counties of Madison, Henderson, and Weakly, are hereby added to compose the district of West Tennessee, and the residue of the counties of the said State of Tennessee, formerly composing the district of West Tennessee, shall compose one district, to be called the Middle District of Tennessee.

District of West Tennessee.

Middle dist. of Tennessee.

SEC. 2. *And be it further enacted*, That the court to be held at Jackson, in addition to the ordinary jurisdiction and power of a district court, shall, within the limits of its district, have jurisdiction of all causes, except appeals and writs of error, which now are, or hereafter may by law be, made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court.

The court to be held at Jackson.

SEC. 3. *And be it further [enacted]*, That the said court shall be held annually on the first Monday in April, at the town of Jackson, in the county of Madison, in said State, and all writs and other process may be returnable to such court on the first Monday in April, and also at rules on the first Monday in October, in the same manner as to the regular sessions of said court; and the said writs and other process may also bear test on the first Monday in October, as though a session of the court was held on that day at Jackson; and writs and other process issued previously to the first Monday in April next may bear test as on the first Monday in October last.

Said court to be held annually.

Writs, &c. when and how returnable.

SEC. 4. *And be it further enacted*, That the marshal appointed by virtue of the act to which this is an amendment, shall execute throughout his district all lawful precepts directed to him, and issued under the authority of the United States, and shall have the same power, perform the same duties, and be under the same liabilities within his district as is conferred by law upon the other marshals of the United States within their respective districts; *Provided*, That the marshal of the Middle District, formerly termed the district of West Tennessee, shall have power and authority to collect the executions issued or to be issued upon judgments and decrees heretofore rendered in the circuit court of the United States, at Nashville, and to serve and execute all process necessary to enforce such judgments, orders, or decrees, as if this act, or the act to which this is an amendment, had not passed; and all writs of scire facias and other process upon the said judgments and decrees, or upon suits now pending in said circuit court, at Nashville, shall also be

Duties and liabilities of the marshal, &c.

Proviso.

(a) Circuit courts in Tennessee, vol. 2, pages 420, 477, 516, 693; act of March 3, 1839, chap. 80, sec. 2; act of July 4, 1840, chap. 42, sec. 3; act of April 14, 1842, chap. 20; act of May 18, 1842, chap. 30; act of March 3, 1843, chap. 74.

issued from said circuit court and returned to the same, to be proceeded in as would have been done before the passage of said act to which this is an amendment.

An additional term of Middle Dist. to be held, &c.

SEC. 5. *And be it further enacted*, That there shall be an additional term of the circuit court for the Middle District held at Nashville, in each year, on the first Monday of March, which shall be held by the district judge of the United States for the State of Tennessee, and should any question of law be raised in any cause, the said district judge may, at his discretion, adjourn the cause to the succeeding term of the circuit court.

Rules of U. S. circuit courts in W. Tennessee to be enforced in the court established by this act, &c.

SEC. 6. *And be it further enacted*, That the rules of the circuit courts of the United States in West Tennessee, heretofore adopted, shall be in full force and effect in the court established by this act, and the act to which this is an amendment, until the same are altered by law or by the judges of said court.

Suits, not of a local nature, to be brought in the court of the dist. where the defendant resides, &c.

SEC. 7. *And be it further enacted*, That all suits hereafter to be brought in either of the courts of the United States in the State of Tennessee, not of a local nature, shall be brought in the court of the district where the defendant resides or may be found at the time of the service of the writ; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send a duplicate writ against the defendant, directed to the marshal of the other district, on which the plaintiff or his attorney shall endorse, that the writ thus sent is a copy of the writ sued out of the circuit or district court of the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly; and executions may issue thereon to the marshals of either district where the defendant or defendants may reside, or their or either of their property may be situated.

A special term of the U. S. circuit court for the dist. of E. Tennessee to be held, &c.

SEC. 8. *And be it further enacted*, That there shall be held at Knoxville, on the third Monday of April next, a special term of the circuit court of the United States for the District of East Tennessee, by the district judge of said district, at which term shall be heard and tried all issues and matters cognizable at the regular term of said court.

Whenever there is a dangerous and general disease at the place where the court is usually holden, the court may adjourn, &c.

SEC. 9. *And be it further enacted*, That the judges or some one of them, of the circuit courts of the United States, shall have power to direct said courts to be adjourned over, to some future day, designated in a written order to the clerk of either of said courts, whenever there is a dangerous and general disease at the place where said court is usually holden; and the adjournment over, by the clerk, in the absence of the judges, shall have the same force and effect as if the judges had been present.

APPROVED, January 18, 1839.

STATUTE III.

Jan. 25, 1839.

CHAP. IV.—*An Act further to regulate the transportation of the mail upon railroads.*

Act of March 3, 1845, ch. 43, sec. 19.

Allowance to railroad companies for carrying mails, under act July 7, 1838, ch. 172, sec. 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General shall not, by virtue of the authority vested in him by the second section of the "Act to establish certain post routes and to discontinue others," approved July seventh, eighteen hundred and thirty-eight, allow more than three hundred dollars per mile per annum to any railroad company in the United States for the conveyance of one or more daily mails upon their roads: *Provided*, That nothing in this act contained shall be construed so as in any way to remove or impair the limitations upon the power of the Postmaster General imposed by that section.

APPROVED, January 25, 1839.