

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.