amount, and the interest so acquired shall be subject to all the obligations and restrictions provided in the last section of this act.

Assent of Congress hereby given to the act of the Legislature of Wisconsin, incorporating the Milwaukee and Rock river canal company.

SEC. 9. *And be it further enacted*, That the assent of Congress is hereby given to the act of the Territorial Legislature of Wisconsin entitled an act to incorporate the Milwaukee and Rock river Canal Company, subject to the preceding modifications and to the following provision; that in estimating the principal sum and interest to be paid by the said Territory or the future State of Wisconsin to the stockholders of the said canal, a credit shall be given to the Territory or State for all dividends received by the said stockholders prior to the extinguishment of their interest in the said canal, in the mode provided by the twenty-third section of the said act of incorporation.

Tolls.

SEC. 10. *And be it further enacted*, That Congress may, at any time until said Territory shall be admitted as a State, prescribe and regulate the tolls to be received by said company; and after said Territory shall be admitted as a State, the Legislature thereof shall possess the like power; and said act of incorporation is hereby approved, subject to the modification and conditions aforesaid.

Lands probably falling within limits of said grant, &c., to be reserved from sale.

SEC. 11. *And be it further enacted*, That the Secretary of the Treasury shall reserve from sale the lands probably falling within the limits of said grant, and the lands which, by the first section, were reserved to the United States, until the said canal can be located and the lands selected as contemplated by this act, and no pre-emption right shall attach thereto.

APPROVED, June 18, 1838.

STATUTE II.
June 18, 1838.
1839, ch. 27.

CHAP. CXV.—*An Act to reorganize the district courts of the United States in the State of Mississippi.* (*a*)

Mississippi divided into two districts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Mississippi shall be, and the same is hereby, divided into two districts, in the following manner, to wit: The counties of Noxubee, Winston, Attala, Carrol, Bolivar, Coahoma, Tunica, De Soto, Marshal, Tippah, Tishemingo, Itawamba, Monroe, Lowndes, Oaktibbeha, Choctaw, Yalobusha, Tallehatcha, Penola, Lafayette, Pontotoc, and Chickasaw, in said State, shall compose one district, to be called the northern district, and a court shall be held for the said district, at the town of Pontotoc, and the residue of the counties of the said State shall hereafter compose the southern district of Mississippi, and a court shall be held for the same, as heretofore, at the city of Jackson.

Northern district.

Southern dist.

U. S. district judge for Miss. to hold two terms a year in northern dist.

SEC. 2. *And be it further enacted*, That there shall be two terms of the district court, for the northern district, held at Pontotoc, in each year, to begin on the first Monday of June and December, and the district judge of the United States for the State of Mississippi is hereby required to hold the courts aforesaid.

All cases pending in the dist. court at Jackson, &c. to be transferred for trial, &c.

SEC. 3. *And be it further enacted*, That all causes at law or in chancery, and all indictments pending in the district court at Jackson, in which the defendant or defendants resided in the northern district (hereby established) at the time of serving process or the finding of a bill of indictment, shall be transferred for trial to the district court for the said northern district, and be proceeded in, heard, adjudged, and determined, in the same manner as though originally commenced or prosecuted in the said court; and it shall be the duty of the clerk of the district court at Jackson, safely to transmit to the clerk of the district court at Pontotoc, the original papers in all cases and prosecutions hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

The original papers to be transferred.

(*a*) See notes of acts relating to the district court of Mississippi, vol. 3, 611.

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All suits, not of a local nature, shall hereafter be brought to the court of the district, &c.

Sec. 4. *And be it further enacted*, That all suits hereafter to be brought in either of said courts not of a local nature, shall be brought in the court of the district where the defendant resides; 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 a writ sued out of the 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.

The judge of said courts to appoint a clerk for the northern district—his duties, fees, &c.

Sec. 5. *And be it further enacted*, That the judge of the said courts shall appoint a clerk of the district court of the northern district, who shall reside and keep his office, and the records and documents appertaining thereto, at the place of holding said courts; said clerk shall be entitled to the same fees allowed by law to the clerk of the other district of the State of Mississippi, perform the like duties, and be subject to the same liabilities and penalties.

A marshal and dist. atty. to be appointed for the northern dist.—their duties and liabilities.

Sec. 6. *And be it further enacted*, That a marshal and district attorney shall be appointed in the northern district of the State aforesaid, having the same duties and liabilities, in all respects, as are now possessed by the marshal and district attorney, respectively, in the State of Mississippi; and the said marshal is hereby required to give the same bonds that other marshals are required to give under the laws of the United States, to be approved of and recorded as now directed by law.

Marshal and dist. atty. of the northern dist. to have the same salaries, &c.

Sec. 7. *And be it further enacted*, That the marshal and district attorney for the northern district, shall have the same salaries, fees and compensation, as are allowed and paid to the other marshal and district attorney for the State of Mississippi, under the laws of the United States.

Approved, June 18, 1838.

Statute II.

June 18, 1838.

Chap. CXVI.—*An Act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked.*

Act of June 12, 1838, ch. 96.

President to cause southern boundary of Iowa to be ascertained and marked.

President to appoint a commissioner to act, &c. in running, &c. the line.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to cause to be surveyed, ascertained and distinctly marked, the southern boundary line of the Territory of Iowa, west of the Mississippi river, which divides said Territory from the State of Missouri; and that, for that purpose he shall appoint a commissioner on the part of the United States, who (with the aid of such surveyor or surveyors as may be necessary) shall unite or act in conjunction with a commissioner to be appointed by the State of Missouri and a commissioner to be appointed by the Governor of the Territory of Iowa, in running, marking, and ascertaining said boundary line; and that it shall be the duty of the commissioner so to be appointed by the President as aforesaid, after he shall have ascertained, run, and marked said boundary line, to make three maps or plats thereof, with a description or survey-bill thereof appended to each map or plat; one of which shall be returned to the office of Secretary of State for the United States, one to the office of Secretary of State for the State of Missouri, and one to the Secretary of the Territory of Iowa, and the said commissioner on the part of the United States shall also make a full report of his proceedings in the premises to the Secretary of State for the United States.

Three maps of the line, &c.

Said line to be run according to acts of 6th March 1820, ch. 22, and 7th June 1836, ch. 86.

Sec. 2. *And be it further enacted*, That the said boundary line shall be run or surveyed, ascertained, and marked in all respects according to, and in pursuance of the provisions of the following acts, wherein the said boundary line is defined and described, to wit: an act of Congress