

third Monday in April of each and every year thereafter, and at Nashville on the first Thursday after the fourth Monday in November next, and on the first Thursday after the fourth Monday in November of each and every year thereafter, who shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceedings returned to the circuit court next to be holden thereafter at Knoxville, and Nashville, or depending therein, preparatory to the hearing, trial, or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings; and all writs and process may be returnable to the said courts on the first Thursday after the third Monday in April, at Knoxville, and on the first Thursday after the fourth Monday in November, at Nashville, in the same manner as to the sessions of the circuit court, directed to be held by this act in the district of East Tennessee, at Knoxville, and in the district of West Tennessee, at Nashville; and the said writs, returnable to the circuit courts to be held at Knoxville, may also bear test on the said first Thursday after the third Monday in April; and the writs returnable to the circuit court to be held at Nashville may bear test on the first Thursday after the fourth Monday in November, as though a session of the said circuit court was holden on those days at Knoxville and Nashville respectively.

Process and proceedings to be regulated accordingly.

Clerks of circuit courts to be appointed, &c. &c. for each circuit.

SEC. 4. *And be it further enacted*, That there shall be two clerks appointed, one for the circuit court to be held at Knoxville, and one for the circuit court to be held at Nashville, whose duty it shall be to attend the said district judge on the said first Thursday after the third Monday in April, and on the said first Thursday after the fourth Monday in November, of each and every year, at the places aforesaid, who shall make due entry of all such matters and things as shall or may be ordered by the said judge, and at each and every of the said sessions so held for the purpose aforesaid, all actions, pleas, and other proceedings relative to any cause, civil or criminal, shall, for the circuit court to be held at Nashville, be continued over to the ensuing second Monday in June, and shall, for the circuit court to be held at Knoxville, be continued over to the ensuing third Monday in October.

Causes to be continued over, which were commenced at Nashville and Knoxville.

SEC. 5. *And be it further enacted*, That all actions, suits, process, pleadings, and other proceedings, of what nature or kind soever, civil or criminal, which were originally returned to the circuit court begun and held at Nashville, on the first Monday in June last; and all writs, process, and proceedings, as aforesaid, which are, [or] may be made returnable to the said circuit court to be held at Nashville, shall, after the next June term of the circuit court, be continued, returned to, and have day in the session to be held by this act, on the first Thursday after the fourth Monday in November next, and all actions, suits, process, pleadings and other proceedings of what nature or kind soever, civil or criminal, which were originally returned to the circuit court begun and held at Knoxville, on the third Monday in October last; and all writs, process, and pleadings as aforesaid which are or may be made returnable to the said circuit court, shall be continued, returned to, and have day in the session to be held by this act, on the first Thursday after the third Monday in April next; and such proceedings shall be had thereon, at the said session, as are herein before provided.

APPROVED, March 22, 1808.

STATUTE I.

March 30, 1808.

[Expired.]

President authorized to call upon the state executives to

1812, ch. 55.

CHAP. XXXIX.—*An Act authorizing a detachment from the Militia of the United States.*

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, at such times as he shall deem necessary, to require of the executives of the several states and

territories, to take effectual measures to organize, arm and equip according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States, from the latest militia returns in the department of war, and in cases where such returns have not been made, by such other data as he shall judge equitable.

SEC. 2. *And be it further enacted*, That the executives of the several states and territories may accept, as part of the said detachment, any corps of volunteers who shall engage to continue in service six months after they arrive at the place of rendezvous.

SEC. 3. *And be it further enacted*, That the detachment of militia and volunteers aforesaid shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective states and territories, the President apportioning the general officers among the respective states and territories, as he may deem proper.

SEC. 4. *And be it further enacted*, That the said detachments shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous, and that during the time of their service, they shall be entitled to the same pay, rations and allowance for clothing, as are established by law for the army of the United States.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to call into actual service any part, or the whole of said detachment, when he shall judge that the exigencies of the United States require it; and, if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof, as the President of the United States shall deem proper.

SEC. 6. *And be it further enacted*, That a sum not exceeding one million of dollars be, and the same is hereby appropriated, out of any monies in the treasury, not otherwise appropriated, for the pay, subsistence, and support of such part of said detachment as may be called into actual service.

SEC. 7. *And be it further enacted*, That this act shall continue and be in force for the term of two years from the passing thereof, and no longer.

APPROVED, March 30, 1808.

organize and equip their quotas of militia.

Apportionment, how made.

Executives of states may accept corps of volunteers.

Detachment of militia,—how to be officered.

General officers to be apportioned by the President.

Term of service of the detachment; allowance of pay, rations, &c.

President may call the whole or part of detachment into service.

Appropriation.

Limitation of this act.

STATUTE I.

CHAP. XL.—*An Act concerning the sale of the Lands of the United States, and for other purposes.*(a)

March 31, 1808.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States has been or may be authorized to cause the public lands, in any land district, to be offered for sale, it shall be lawful, whenever he shall think it convenient, to offer for sale, at first, only a part of the lands contained in such district, and at any subsequent time or times, to offer for sale in the same manner, any other part, or the remainder of the lands contained in the same.

SEC. 2. *And be it further enacted*, That the fourth section of an act passed the twenty-first day of April, one thousand eight hundred and six, intituled "An act in addition to an act, intituled An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee," be revived and continued in force until the first day of October next: and in any case where a donation shall be granted in lieu of a pre-emption certificate, agreeable to the provisions of the said fourth section, the money, if any shall

Act of March 3, 1803, ch. 27.

Act of March 27, 1804, ch. 35.

Act of June 30, 1812, ch. 110.

Public lands may be offered for sale in such proportions as the President chooses.

Part of a former act revived.

Act of April 21, 1806, ch. 46.

(a) See notes to act of March 3, 1803, chap. 27.