

defeat any seizure, or prosecution for a forfeiture incurred under this act, and during the continuance thereof.

APPROVED, February 27, 1800.

STATUTE I.

Feb. 28, 1800.

[Obsolete.]

Marshals of the districts and secretaries of the territories to cause an enumeration to be taken.

Indians not taxed not to be enumerated.

They may appoint assistants.

Oath to be taken by the marshals, secretaries and their assistants.

1800, ch. 23.

Commencement and close of the enumeration.

Assistants to make returns.

CHAP. XII.—*An Act providing for the second Census or enumeration of the Inhabitants of the United States.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the marshals of the several districts of the United States and the secretaries of the territory of the United States northwest of the river Ohio, and of the Mississippi territory, respectively, shall be, and they are hereby authorized and required, under the direction of the Secretary of State, and according to such instructions as he shall give pursuant to this act, to cause the number of the inhabitants within their respective districts and territories to be taken; omitting in such enumeration, Indians not taxed, and distinguishing free persons, including those bound to service for a term of years from all others; distinguishing also the sexes and colours of free persons and the free males under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards: and distinguishing free females under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards: for effecting which purpose, the marshals and secretaries aforesaid shall have power to appoint as many assistants within their respective districts and territories, as aforesaid, as to them shall appear necessary; assigning to each assistant a certain division of his district or territory, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water-courses, mountains or public roads. The marshals or secretaries, as the case may be, and their assistants, shall, respectively, take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts or territories, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal or secretary shall be,—“I, A. B., marshal of the district of (or secretary of the territory of as the case may be), do solemnly swear or affirm, that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district or territory, and return the same to the Secretary of State, agreeably to the directions of an act of Congress, intituled ‘an act providing for the enumeration of the inhabitants of the United States,’ according to the best of my ability.” The oath or affirmation of an assistant shall be,—“I, A. B., do solemnly swear, (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of (or the secretary of the territory of as the case may be), and make due return thereof to the said marshal, or secretary, agreeably to the directions of an act of Congress, intituled ‘an act providing for the enumeration of the inhabitants of the United States,’ according to the best of my abilities.” The enumeration shall commence on the first Monday of August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshal or secretaries, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions; which returns shall be made in a schedule, distinguishing in each county, parish, town-

(a) See note to act of March 1, 1790, chap. 22, Vol. i. 101.

Form of returns.

ship, town or city, the several families, by the names of their master, mistress, steward, overseer or other principal person therein, in the manner following; that is to say: the number of persons within my division, consisting of _____ appears in a schedule hereto annexed, subscribed by me this _____ day of _____ A. B., assistant to the marshal of _____ or to the secretary of _____

Schedule of the whole number of persons within the division allotted to A. B.

Name of county, parish, township, town, or city where the family resides.	Name of head of family.	Free white males under ten years of age.	Free white males of ten and under sixteen.	Free white males of sixteen and under twenty-six, including heads of families.	Free white males of twenty-six and under forty-five, including heads of families.	Free white males of forty-five and upwards, including heads of families.	Free white females under ten years of age.	Free white females of ten years and under sixteen.	Free white females of sixteen and under twenty-six, including heads of families.	Free white females of twenty-six and under forty-five, including heads of families.	Free white females of forty-five and upwards, including heads of families.	All other free persons, except Indians, not taxed.	Slaves.

Penalty on assistants making no return, or a false one.

SEC. 2. *And be it further enacted,* That every assistant, failing to make a proper return, or making a false return of the enumeration to the marshal or the secretary (as the case may be) within the time by this act limited, shall forfeit the sum of two hundred dollars.

Marshals and secretaries to file their assistants' returns with the clerks of certain courts, and make aggregate returns to the Secretary of State.

SEC. 3. *And be it further enacted,* That the marshal and secretaries shall file the several returns aforesaid, with the clerks of their respective district or superior courts (as the case may be) who are hereby directed to receive and carefully preserve the same: and the marshals, or secretaries, respectively, shall, on or before the first day of September, one thousand eight hundred and one, transmit to the Secretary of State, the aggregate amount of each description of persons within their respective districts or territories. And every marshal or secretary failing to file the returns of his assistants or any of them, with the clerks of their respective courts as aforesaid, or failing to return the aggregate amount of each description of persons in their respective districts or territories, as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts or territories where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts in the several districts, and of the supreme courts, in the territories of the United States, as aforesaid, at their next sessions, to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the Secretary of State, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

Certain judges to give this act in charge to the grand juries.

Compensation to assistants.

SEC. 4. *And be it further enacted,* That every assistant shall receive at the rate of one dollar, for every hundred persons by him returned, where such persons reside in the country, and where such persons reside in a city or town, containing more than three thousand persons, such

assistant shall receive at the rate of one dollar for every three hundred persons, but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred persons shall be insufficient, the marshals or secretaries, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistants in such divisions, as shall be deemed an adequate compensation: *Provided*, the same does not exceed one dollar for every fifty persons by them returned. The several marshals and secretaries shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Rhode Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of Vermont, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars; the marshal of the district of Tennessee, two hundred dollars; the secretary of the territory of the United States northwest of the Ohio, two hundred dollars; the secretary of the Mississippi territory, one hundred dollars.

Compensation to the marshals.

SEC. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family, and the name of every person, who shall be an inhabitant of any district or territory, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families in that division where he or she shall be, on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he or she usually resides in the United States.

How transient persons and absentees are to be returned.

SEC. 6. *And be it further enacted*, That each and every free person, more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district or territory made or established within the United States, shall be, and hereby is obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use and the other half to the use of the United States.

Free persons above sixteen years old to give information to the assistants.

SEC. 7. *And be it further enacted*, That each assistant shall, previous to making his returns to the marshal or secretary (as the case may be) cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned, for each of which copies the said assistant shall be entitled to receive two dollars; provided, proof of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal or secretary (as the case may be) with the return of the number of the persons, and in case any assistant shall fail to make such proof to the marshal or secretary, as aforesaid, he shall forfeit the compensation by this act allowed him.

Assistants to post up their schedules of the number of inhabitants, &c.

Secretary of State to give instructions for carrying this act into effect, &c.

SEC. 8. *And be it further enacted*, That the Secretary of State shall be, and hereby is authorized and required to transmit to the marshals of the several states and to the secretaries aforesaid, regulations and instructions pursuant to this act, for carrying the same into effect, and also the forms contained therein of schedule to be returned, and proper interrogatories to be administered by the several persons who shall be employed therein.

APPROVED, February 28, 1800.

STATUTE I.

March 1, 1800.

CHAP. XIII.—*An Act in addition to an act intituled "An act regulating the grants of land appropriated for Military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen."*(a)

Points of intersection of the lines actually run are to be considered as the corners of townships.

Vol. i. 490.

Boundaries of quarter townships, where they are stated to contain four thousand acres.

Boundaries of quarter townships, where they are stated to contain more or less than four thousand acres.

Method of running lines.

Locations may be made on the general tract by the holders of warrants for military services.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the respective points of intersection of the lines actually run, as the boundaries of the several townships surveyed by virtue of the act intituled "An act regulating the grants of land appropriated for military services and for the society of the United Brethren for propagating the Gospel among the Heathen," accordingly as the said lines have been marked and ascertained at the time when the same were run, notwithstanding the same are not in conformity to the act aforesaid, or shall not appear to correspond with the plat of the survey which has been returned by the Surveyor General, shall be considered, and they are hereby declared to be the corners of the said townships: That in regard to every such township as by the plat and survey returned by the Surveyor General is stated to contain four thousand acres in each quarter thereof, the points on each of the boundary lines of such township, which are at an equal distance from those two corners of the same township, which stand on the same boundary line, shall be considered and they are hereby declared to be corners of the respective quarters of such township; that the other boundary lines of the said quarter townships shall be straight lines run from each of the last mentioned corners of quarter townships to the corner of quarter townships on the opposite boundary line of the same township; and that in regard to every such township as by the said return is stated to contain in any of the quarters thereof more or less than the quantity of four thousand acres, the corners marked in the boundary lines of such township to designate the quarters thereof, shall be considered and they are hereby declared to be the corners of the quarter townships thereof, although the same may be found at unequal distances from the respective corners of such townships: And such townships shall be divided by running lines through the same from the corners of the quarter townships actually marked, whether the interior lines thus extended shall be parallel to the exterior lines of the said township or not; and that each of the said quarter townships thus bounded, shall, in every proceeding to be had under the above-mentioned or this act, be considered as containing the exact quantity expressed in the plat and survey thereof returned by the Surveyor General.

SEC. 2. *And be it further enacted*, That it shall be lawful for the proprietors or holders of warrants for military services, which have been, or shall be registered at the treasury in pursuance of the act intituled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen," during the time, in the manner, and according to the rights of priority, which may be acquired in pursuance of said act, to locate the quantities of land mentioned in the warrants by them respectively registered, as aforesaid, on any quarter township or fractional part

(a) Act of June 1, 1796, chap. 46; act of March 2, 1799, chap. 29; act of April 26, 1802, chap. 30.