

tions thereto have not been made subject to public sale, or being so subject have not been sold at public sale or by private entry, then each and every section contiguous to said selected section, and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the public buildings, from selling and disposing of the residue of said section in lots or otherwise, for the use of said Territory, in the erection and completion of said buildings.

1842, ch. 110.

Iowa may dispose of such part of said land as is more than sufficient, &c.

APPROVED, March 3, 1839.

CHAP. LXXVIII.—*An Act for the improvement and survey of certain rivers, and the repair of certain roads in Florida.*

STATUTE III.
March 3, 1839.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for the purposes herein specified, that is to say,

For the removal of obstructions at the mouth of the Suwannee river, and for the survey of the said river, with a view to its improvement, fifteen thousand dollars;

Removal of obstructions and survey of Suwannee riv. Survey of Yellow river.

For the survey of Yellow river, Florida, to ascertain the practicability and cost of removing the rafts which obstruct its navigability, five hundred dollars;

For the repair, including the alteration if necessary, of the road from Jacksonville, by the way of Garey's ferry, to Newmansville, Florida, five thousand dollars;

Repair of road from Jacksonville, by Garey's ferry. Road from Jacksonville to St. Mary's.

For the construction of a road from Jacksonville to St. Mary's, Florida, in part or in whole upon the route of the existing road, as may be found expedient, seven thousand five hundred dollars; all which sums shall be expended under the direction of the Secretary of War.

APPROVED, March 3, 1839.

STATUTE III.
March 3, 1839.

[Obsolete.]

CHAP. LXXXIX. — *An Act granting to the judges of the supreme court of Iowa the same compensation as by law is given to the judges of the supreme court of Wisconsin.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the commencement of the next quarter, after the passage of this act, the judges of the supreme court of the Territory of Iowa shall receive the same salary as is now received by the judges of the Territory of Wisconsin.

Act of April 20, 1836, ch. 54, sec. 11.

APPROVED, March 3, 1839.

STATUTE III.
March 3, 1839.

CHAP. LXXX. — *An Act to provide for taking the sixth census or enumeration of the inhabitants of the United States. (a)*

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 of the District of Columbia, and of the Territories of Wisconsin, Iowa, and of Florida, respectively, shall be, and are hereby, required, under the direction of the Secretary of the Department 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 (omitting, in

Act of Feb. 26, 1840, ch. 3.
Act of Jan. 14, 1841, ch. 3.
Act of Sept. 1, 1841, ch. 15.
Resolution of Sept. 1, 1841.
Resolution of April 14, 1842.
Number of inhabitants to be taken, &c.

(a) Notes of acts providing for the enumeration of the inhabitants of the United States, vol. 1, 101.

such enumeration, Indians not taxed) to be taken according to the directions of the act. The said enumeration shall distinguish the sexes of all free white persons, and ages of the free white males and females, respectively, under five years of age; those of five and under ten years of age; those of ten years and under fifteen; those of fifteen and under twenty; those of twenty and under thirty; those of thirty and under forty; those of forty and under fifty; those of fifty and under sixty; those of sixty and under seventy; those of seventy and under eighty; those of eighty and under ninety; those of ninety and under one hundred; those of one hundred and upwards: and shall further distinguish the number of those free white persons included in such enumeration who are deaf and dumb, under the age of fourteen years; and those of the age of fourteen years and under twenty-five; and of the age of twenty-five and upwards; and shall further distinguish the number of those free white persons included in such enumeration who are blind; and also in like manner of those who are insane, or idiots, distinguishing further such of the insane and idiots as are a public charge. The said enumeration shall distinguish the sexes of all free colored persons, and of all other colored persons bound to service for life or for a term of years and the ages of such free and other colored persons, respectively, of each sex, under ten years of age; those of ten and under twenty-four; those of twenty-four and under thirty-six; those of thirty-six and under fifty-five; those of fifty-five and under one hundred; and those of one hundred and upwards: and shall further distinguish the number of those free colored and other colored persons included in the foregoing who are deaf and dumb, without regard to age, and those who are blind and also in like manner of those who are insane or idiots, distinguishing further such of the insane and idiots as are a public charge. For effecting which the marshals aforesaid shall have power, and are hereby required, to appoint one or more assistants in each city and county in their respective districts and territories, residents of such city or county for which they shall be appointed: and shall assign to each of the said assistants a certain division of territory; which division shall not consist, in any case, of more than one county, but may include one or more towns, townships, wards, hundreds, precincts, or parishes, and shall be plainly and distinctly bounded. The said enumeration shall be made by an actual inquiry by such marshals or assistants, at every dwelling house, or by personal inquiry of the head of every family. The marshals and their assistants shall, respectively, before entering on the performance of their duty under this act, take and subscribe an oath or affirmation before some judge or justice of the peace resident within their respective districts or territories, for the faithful performance of their duties. The oath or affirmation of the marshal shall be as follows: "I, A B, marshal of the district (or territory) of ———, do solemnly swear (or affirm) that I will truly and faithfully cause to be made a full 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 entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be as follows: "I, A B, appointed an assistant to the marshal of the district (or territory) of ———, do solemnly swear (or affirm) that I will make a just, faithful, and perfect enumeration and description of all persons resident within the division assigned to me for that purpose by the marshal of the district (or territory) of ———, and make due return thereof to the said marshal, agreeably to the directions of an act of Congress entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' according to the best of my

Whites.
Age and sex.

Deaf and
dumb.

Blind.

Insane and
idiots.
Colored.

Age and sex of
free and slaves.

Deaf and
dumb.

Blind.

Insane and
idiots.

Marshals may
appoint assist-
ants.

Enumeration
to be made by
actual inquiry.

Marshals and
assistants to
take an oath,
&c.

Form of mar-
shal's oath.

Form of assist-
ants' oath.

ability, and that I will take the said enumeration and description by actual inquiry at every dwelling house within said division, or personal inquiry of the head of every family, and not otherwise." The enumeration shall commence on the first day in June, in the year one thousand eight hundred and forty, and shall be completed and closed within ten calendar months thereafter. The several assistants shall, within nine months, and on or before the first day of October, one thousand eight hundred and forty, deliver to the marshals by whom they shall be appointed, respectively, two copies of the accurate returns of all persons, except Indians not taxed, to be enumerated as aforesaid, within their respective divisions; which returns shall be made in a schedule, and which shall distinguish, in each county, city, town, township, ward, precinct, hundred, district, or parish, according to the civil divisions of the States or Territories, respectively, the several families, by the name of the head thereof.

Enumeration, when to commence.

Form of return.

SEC. 2. *And be it further enacted*, That every assistant failing, or neglecting to make a proper return, or making a false return of the enumeration to the marshal, within the time limited by this act, shall forfeit the sum of two hundred dollars, recoverable in the manner pointed out in the next section hereof.

Penalty.

SEC. 3. *And be it further enacted*, That the marshals shall file one copy of each of the several returns aforesaid, and, also, an attested copy of the aggregate amount hereinafter directed, to be transmitted by them, respectively, to the Secretary of State, with the clerks of their respective districts or superior courts, as the case may be, who are hereby directed to receive, and carefully to preserve, the same; and the marshals, respectively, shall, on or before the first day of December, in the year one thousand eight hundred and forty, transmit to the Secretary of State one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons within their respective districts or territories; and every marshal failing to file the returns of his assistants, or the returns of any of them, with the clerks of the respective courts, as aforesaid, or failing to return one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons in their respective districts or territories, as required by this act, and 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 one thousand dollars; which forfeiture shall be recoverable in the courts of the districts or territories where the said offences shall be committed, or within the circuit courts 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 such 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 session 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, and the said attested copy of the aggregate amount, to be laid before them for their inspection. And the respective clerks of the said courts shall, within thirty days after the said original returns shall have been laid before the grand juries aforesaid, transmit and deliver all such original returns, so filed, to the department of State.

Marshals to file one copy of returns, &c.

Forfeit for neglect. Where recoverable.

The judges shall give this act in charge to grand juries, &c.

Clerks to transmit to the Dep't of State.

SEC. 4. *And be it further enacted*, That every assistant shall receive at the rate of two dollars for every hundred persons by him returned, where such persons reside in the country; and where such persons re-

Compensation of assistants.

- side in a city or town containing more than three thousand persons, such assistant shall receive at the same rate for three thousand, and at the rate of two dollars for every three hundred persons over three thousand, residing in such city or town; but where, from the dispersed situation of the inhabitants in some divisions, two dollars will not be sufficient for one hundred persons, the marshals, 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 two dollars and fifty cents, for every fifty persons by them returned: *Provided, further*, That before any assistant as aforesaid, shall, in any case, be entitled to receive said compensation, he shall take and subscribe the following oath or affirmation, before some judge or justice of the peace, authorized to administer the same, to wit: "I, A B, do solemnly swear (or affirm) that the number of persons set forth in the return made by me, agreeably to the provision of the act entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' have been ascertained by an actual inquiry at every dwelling-house, or a personal inquiry of the head of every family, in exact conformity with the provisions of said act; and that I have, in every respect, fulfilled the duties required of me by said act, to the best of my abilities; and that the return aforesaid is correct and true, according to the best of my knowledge and belief."
- Proviso.**
- Further proviso.**
- Form of oath.**
- Compensation to marshals.**
- Maine. The compensation of the several marshals shall be as follows:
The marshal of the district of Maine, four hundred dollars;
- N. Hampshire. The marshal of the district of New Hampshire, four hundred dollars;
- Massachus'ts. The marshal of the district of Massachusetts, four hundred and fifty dollars;
- Rhode Island. The marshal of the district of Rhode Island, two hundred and fifty dollars;
- Vermont. The marshal of the district of Vermont, four hundred dollars;
- Connecticut. The marshal of the district of Connecticut, three hundred and fifty dollars;
- New York, Southern dist. The marshal of the southern district of New York, four hundred and fifty dollars;
- New York, Northern dist. The marshal of the northern district of New York, four hundred and fifty dollars;
- New Jersey. The marshal of the district of New Jersey, three hundred and fifty dollars;
- Pennsylvania, Eastern dist. The marshal of the eastern district of Pennsylvania, four hundred dollars;
- Pennsylvania, Western dist. The marshal of the western district of Pennsylvania, four hundred dollars;
- Delaware. The marshal of the district of Delaware, two hundred and twenty-five dollars;
- Maryland. The marshal of the district of Maryland, four hundred and fifty dollars;
- Virginia, Eastern district. The marshal of the eastern district of Virginia, four hundred dollars;
- Virginia, Western dist. The marshal of the western district of Virginia, four hundred dollars;
- Kentucky. The marshal of the district of Kentucky, four hundred and fifty dollars;
- N. Carolina. The marshal of the district of North Carolina, four hundred and fifty dollars;
- S. Carolina. The marshal of the district of South Carolina, four hundred and fifty dollars;
- Georgia. The marshal of the district of Georgia, four hundred and fifty dollars;
- E. Tennessee. The marshal of the district of East Tennessee, two hundred dollars;

The marshal of the district of West Tennessee, two hundred dollars ;	W. Tennessee
The marshal of the middle district of Tennessee, two hundred dol- lars ;	Tennessee Middle dist.
The marshal of the district of Ohio, five hundred dollars ;	Ohio.
The marshal of the district of Indiana, four hundred and fifty dollars ;	Indiana.
The marshal of the district of Illinois, three hundred dollars ;	Illinois.
The marshal of the northern district of Mississippi, two hundred dollars ;	Mississippi, Northern dist.
The marshal of the southern district of Mississippi, two hundred dollars ;	Mississippi, Southern dist.
The marshals of the districts of Louisiana, two hundred dollars each ;	Louisiana.
The marshal of the northern district of Alabama, two hundred dol- lars ;	Alabama, Northern dist.
The marshal of the southern district of Alabama, two hundred dol- lars ;	Alabama, Southern dist.
The marshal of the District of Columbia, one hundred and fifty dol- lars ;	District of Co- lumbia.
The marshal of the district of Michigan, two hundred and fifty dol- lars ;	Michigan.
The marshal of the district of Arkansas, two hundred and fifty dol- lars ;	Arkansas.
The marshals of the Territory of Florida, respectively, fifty dollars ;	Florida.
The marshals of the Territory of Wisconsin, two hundred and fifty dollars ;	Wisconsin.
The marshals of the Territory of Iowa, two hundred and fifty dollars.	Iowa.
SEC. 5. <i>And be it further enacted,</i> That every person whose usual place of abode shall be in any family on the said first day of June, one thousand eight hundred and forty, shall be returned as of such family ; and the name of every person who shall be an inhabitant of any district or Territory, without a settled place of residence, shall be inserted in the column of the schedule which is allotted for the heads of families in the division where he or she shall be on the said first day of January, and every person occasionally absent at the time of enumeration, as belonging to the place in which he or she usually resides in the United States.	Returning transient per- sons.
SEC. 6. <i>And be it further enacted,</i> That each and every free person more than sixteen years of age, whether heads of families or not, be- longing 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 the assistant of the division, if required, a true account, to the best of his or her knowledge, of every person belonging to such fa- mily, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered in any action of debt, by such assistant ; the one half to his own use, and the other half to the use of the United States.	Information to be given, under penalty. How recover- able, &c.
SEC. 7. <i>And be it further enacted,</i> That each and every assistant, previous to making his return to the marshal, shall 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 five dol- lars : <i>Provided,</i> Proof of the schedule having been set up shall be trans- mitted to the marshal, with the return of the number of persons ; and in case any assistant shall fail to make such proof to the marshal, with the return of the number of persons, as aforesaid, he shall forfeit the compensation allowed him by this act.	Assistants to set up a correct copy of sche- dule, &c. Proviso.
SEC. 8. <i>And be it further enacted,</i> That the Secretary of State shall be, and hereby is, authorized and required to transmit to the marshals of the several districts and Territories, regulations and instructions,	Sec. of State to transmit in- structions, &c. to marshals.

pursuant to this act, for carrying the same into effect; and, also, the forms contained therein of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories to be administered by the several persons to be employed in taking the enumeration.

Where a county is in two districts, &c.

SEC. 9. *And be it further enacted*, That, in those States composing two districts, where a part of a county may be in each district, such county shall be considered as belonging to that district in which the court-house of said county may be situate.

Further compensation.

SEC. 10. *And be it further enacted*, That, in all cases where the superficial content of any county or parish shall exceed twenty miles square, and the number of inhabitants in said parish or county shall not exceed three thousand, the marshals or assistants shall be allowed, with the approbation of the judges of the respective districts or territories such further compensation as shall be deemed reasonable: *Provided*, The same does not exceed four dollars for every fifty persons by them returned; and when any such county or parish shall exceed forty miles square, and the number of inhabitants in the same shall not exceed three thousand, a like allowance shall be made, not to exceed six dollars for every fifty persons so returned.

Proviso.

Aggregate to be printed.

SEC. 11. *And be it further enacted*, That when the aforesaid enumeration shall be completed and returned to the office of the Secretary of State by the marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of Congress, ten thousand copies of the aggregate returns received from the marshals: *And provided*, That if any marshal, in any district within the United States or Territories, shall, directly or indirectly, ask, demand, or receive, or contract to receive, of any assistants to be appointed by him under this act, any fee, reward, or compensation, for the appointment of such assistant to discharge the duties required of such assistant under this act, or shall retain from such assistant any portion of the compensation allowed to the assistant by this act, the said marshal shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay the amount of five hundred dollars for each offence, to be recovered by suit or indictment in any circuit or district court of the United States or the Territories thereof, one half to the use of the Government, and the other half to the informer; and all contracts which may be made in violation of this law, shall be void, and all sums of money or property paid, may be recovered back by the party paying the same, in any court having jurisdiction of the same.

Proviso.

Penalty.

Marshals to be allowed the postage incurred, &c.

SEC. 12. *And be it further enacted*, That there shall be allowed and paid to the marshals of the several States, Territories, and the District of Columbia, the amount of postage by them respectively paid on letters relating to their duties under this act.

A census of pensioners to be taken, &c.

SEC. 13. *And be it further enacted*, That the aforesaid marshals and their assistants shall also take a census of all persons receiving pensions from the United States for revolutionary or military services, stating their names and ages: and also shall collect and return in statistical tables, under proper heads, according to such forms as shall be furnished, all such information in relation to mines, agriculture, commerce, manufactures, and schools, as will exhibit a full view of the pursuits, industry, education and resources of the country, as shall be directed by the President of the United States. And it shall be the duty of the Secretary of State, under the direction of the President, to prepare such forms, regulations, and instructions, as shall be necessary and proper to comply with the provisions of this act.

Forms, &c. to be prepared by Sec. of State.

Appropriation.

SEC. 14. *And be it further enacted*, That the sum of twenty thou-

sand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect.

APPROVED, March 3, 1839.

CHAP. LXXXI.—*An Act to amend the act of the third of March, eighteen hundred and thirty-seven, entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,' and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the district judge of Missouri to attend at St. Louis, on the first Monday of October annually, 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, 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 Monday of October, in the same manner as to the sessions of the circuit courts directed to be held by the said act of third March, eighteen hundred and thirty-seven; and the said writs returnable to the circuit courts may also bear teste on the said first Monday of October, as though a session of said court was holden on that day. (a)

SEC. 2. *And be it further enacted,* That the district court of the United States for the district of East Tennessee shall, hereafter, be holden on the third Monday of October in each year, instead of the second Monday of October, as now prescribed by law; and that the district court of the Middle District of Tennessee shall be holden on the first Mondays of March and September, in each year; and all causes and processes shall be continued over, and be returnable to, the respective terms of said courts as hereby established; and said courts shall be holden at the places now prescribed by law, and exercise all the powers and jurisdiction they now enjoy. (b)

SEC. 3. *And be it further enacted,* That from and after the first day of June next the circuit court of the United States for the southern district of Alabama shall commence its terms on the second Monday of March and the fourth Monday of November, in each and every year; and the circuit court for the eastern district of Louisiana shall commence its terms on the first Monday of April and the third Monday of December in each and every year; and all writs, pleas, suits, recognizances, indictments and all other proceedings, civil and criminal, shall be heard, tried and proceeded with by said court, at the times herein fixed, in the same manner as if no change in the times of holding said courts had taken place.

SEC. 4. *And be it further enacted,* That the circuit and district courts of the United States for the district of Michigan, shall be held at Detroit, on the second Monday of October, instead of the first Monday in November, as heretofore established; and that all writs, pleas, suits, recognizances, indictments and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the times herein fixed, in the same manner as if no change in the times of holding the said court had taken place.

SEC. 5. *And be it further enacted,* That the district court of the United States for the district of Arkansas, shall be held at Little Rock on the first Monday of October, instead of the first Monday in November

STATUTE III.

March 3, 1839.

Act of March 3, 1837, ch. 34.

District judge for Missouri shall attend at St. Louis, &c.

District court for East Tennessee.

District court for Middle dist. Tennessee. All causes, &c. continued over, &c.

Circuit court for Southern dist. Alabama.

Circuit court for Eastern dist. Louisiana.

Writs, pleas, &c. how to be proceeded in.

Circuit and district courts for Michigan.

Writs, pleas, &c. how to be proceeded in.

District court for Arkansas.

(a) See notes to act of April 29, 1824, chap. 45, vol. 4, for a reference to the acts passed relating to the district court of Missouri.

(b) 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.