

money in the treasury not otherwise appropriated.

fiscal year ending June thirtieth, eighteen hundred and fifty, and for the whole year ending June thirtieth, eighteen hundred and fifty-one, shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, May 15, 1850.

May 23, 1850.  
1850, ch. 43.

CHAP. XI. — *An Act providing for the taking of the seventh and subsequent Censuses of the United States, and to fix the Number of the Members of the House of Representatives, and provide for their future Apportionment among the several States.*

*I. — Of the Duties, Liabilities, and Compensation of Marshals.*

Marshals to take a census.

*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, including the District of Columbia and the Territories, are hereby required respectively to cause all the inhabitants to be enumerated, and to collect all the other statistical information within their respective districts, in the manner provided for in this act, and specified in the instructions which shall be given by the Secretary of the Interior, and in the tables annexed, and to return the same to the said Secretary on or before the first day of November next ensuing, omitting from the enumeration of the inhabitants Indians not taxed; also, at the discretion of said Secretary, any part or all the statistics of the Territories except those of population. *Provided, however,* And if the time assigned for making the return shall prove inadequate for the Territories, the said Secretary may extend the same: *Provided, further,* If there be any district or Territory of the United States in which there is no marshal of the United States, the President shall appoint some suitable person to discharge the duties assigned by this act to marshals.

Proviso.

Further proviso.

Marshals required to swear or affirm.

SEC. 2. *And be it further enacted,* That each of said marshals shall, before entering upon his duties, take and subscribe the following oath, or affirmation, before any circuit or district judge of the United States, or before any judge of any State court, to wit:

Form of oath of affirmation.

I, \_\_\_\_\_, marshal of the district of \_\_\_\_\_, do solemnly swear (or affirm) that I will to the best of my ability enumerate, or cause to be enumerated, all the inhabitants of said district, and will collect, or cause to be collected, the other statistical information within the same, and will faithfully perform all the duties enjoined on me by the act providing for the taking of the seventh census.

And when duly authenticated by the said judge, he shall deposit a copy thereof, so authenticated, with the said Secretary of the Interior, and no marshal shall discharge any of the duties herein required, until he has taken and subscribed this oath, and forwarded a copy as aforesaid.

Each marshal is required to separate his district into subdivisions containing not exceeding 20,000 persons, &c.

SEC. 3. *And be it further enacted,* That each marshal shall separate his district into subdivisions containing not exceeding twenty thousand persons in each, unless the limitation to that number causes inconvenient boundaries, in which case the number may be larger; and shall also estimate, from the best sources of information which he is able to obtain, the number of square miles in each subdivision, and transmit the same to the Department of the Interior: *Provided, however,* That in bounding such subdivisions, the limits thereof shall be known civil divisions, such as county, hundred, parish, township, town, city, ward or district lines, or highways, or natural boundaries, such as rivers, lakes, &c.

Proviso.

Each marshal to appoint and

SEC. 4. *And be it further enacted,* That each marshal shall appoint an assistant for each such subdivision, who is a resident

herein, to whom he shall give a commission under his hand, authorizing him to perform the duties herein assigned to assistants, which commission shall set forth the boundaries of the subdivision, of which appointment so made, and the boundaries so specified, the marshal shall keep a true and faithful record.

commission an assistant for each subdivision.

SEC. 5. *And be it further enacted,* That each marshal shall seasonably supply each assistant with the instructions issued by the Department of the Interior, the blanks provided for the enumeration of the population, and the collection of other statistics, and give to him, from time to time, all such information and directions as may be necessary to enable him to discharge his duty. He shall carefully examine whether the return of each assistant marshal be made in conformity with the terms of this act, and, where discrepancies are detected, require the same to be corrected. He shall dispose of the two sets of the returns required from the assistant marshals as herein-after provided for as follows: One set he shall transmit forthwith to the Secretary of the Interior; and the other copy thereof he shall transmit to the office of the Secretary of the State or Territory to which his district belongs. He shall classify and determine the rate of compensation to be paid to each assistant marshal according to the provisions of this act, subject to the final approval of the Secretary of the Interior. He shall, from time to time, make himself acquainted with the progress made by each assistant marshal in the discharge of his duties, and in case of inability or neglect arising from sickness, or otherwise, appoint a substitute.

Marshals required to supply assistants with needful instructions, and blanks for the prosecution of their duties, &c.

Marshal's duties defined.

SEC. 6. *And be it further enacted,* That if any marshal shall, by any arrangement or understanding whatever, secure to himself any fee, reward, or compensation for the appointment of an assistant, or shall in any way secure to himself any part of the compensation provided by this act for the services of assistants, or if he shall knowingly neglect or refuse to perform the duties herein assigned to him, he shall, in any such case, be deemed guilty of a misdemeanor, and if convicted in any such case, shall, for such offence, forfeit and pay not less than one thousand dollars.

Marshal forbidden to secure fee, reward, or compensation, from an assistant.

Penalty.

SEC. 7. *And be it further enacted,* That any marshal of the United States may, for any purposes not inconsistent with the duties of the assistants herein provided for, appoint a deputy or deputies, to act in his behalf; but for all official acts of such deputy or deputies the marshal shall be responsible: *Provided, however,* An appointment to collect the social statistics shall not be deemed an interference with the duties of the assistants.

Marshal may appoint deputies.

Proviso.

SEC. 8. *And be it further enacted,* That whenever the population returned in any district shall exceed one million, the marshal thereof shall be entitled to receive as a compensation for all his services in executing this act, after the rate of one dollar for each thousand persons; but if the number returned shall be less than a million in any district, the marshal thereof shall be allowed for his services at the rate of one dollar and twenty-five cents for each thousand persons: *Provided, however,* That no marshal shall receive less than two hundred and fifty dollars: and when the compensation does not in the whole exceed the sum of five hundred dollars, a reasonable allowance for clerk hire shall be made, the amount whereof shall be determined by the Secretary of the Interior. *And provided, further,* That the marshal of any district may, at his discretion, perform the duties of an assistant in any subdivision in which he may reside; and when he shall personally perform the duties assigned by this act to assistants, he shall receive therefor the compensation allowed to assistants for like services.

Marshal's fees.

Further proviso.

II.—Of Assistants, their Duties, Liabilities, and Compensation.

Assistant to be commissioned by the marshal.

SEC. 9. *And be it further enacted,* That no assistant shall be deemed qualified to enter upon his duties, until he has received from the marshal, under his hand, such a commission as is provided for in this act, and shall take and subscribe the following oath, or affirmation, which shall be thereon endorsed, to wit :

Form of oath or affirmation.

I, \_\_\_\_\_, an assistant to the marshal of the district of \_\_\_\_\_ do solemnly swear (or affirm) that I will make a true and exact enumeration of all the inhabitants within the district assigned to me, and will also faithfully collect the other statistics therein, in the manner provided for in the act for taking the seventh census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns thereof, as required in said act. (Signed.) Which said oath, or affirmation, may be administered by any judge of a court of record, or any justice of the peace empowered to administer oaths, and a copy thereof duly authenticated shall be forwarded to the marshal by such assistant before he proceeds to the business of the appointment.

Duties of assistants defined.

SEC. 10. *And be it further enacted,* That each assistant, when duly qualified in manner aforesaid, shall perform the service required of him, by a personal visit to each dwelling-house, and to each family, in the subdivision assigned to him, and shall ascertain, by inquiries made of some member of each family, if any one can be found capable of giving the information, but if not, then of the agent of such family, the name of each member thereof, the age and place of birth of each, and all the other particulars specified in this act, the tables thereto subjoined, and the instructions of the Secretary of the Interior; and shall also visit personally the farms, mills, shops, mines, and other places respecting which information is required, as above specified, in his district, and shall obtain all such information from the best and most reliable sources; and when, in either case, the information is obtained and entered on the tables, as obtained, till the same is complete, then such memoranda shall be immediately read to the person or persons furnishing the facts, to correct errors and supply omissions, if any shall exist.

Each assistant to furnish returns within one month after the time specified.

SEC. 11. *And be it further enacted,* That each assistant shall, within one month after the time specified for the completion of the enumeration, furnish the original census returns to the clerk of the county court of their respective counties, and two copies, duly compared and corrected, to the marshal of the district. He shall affix his signature to each page of the schedules before he returns them to his marshal, and, on the last page thereof, shall state the whole number of pages in each return, and certify that they were well and truly made according to the tenor of his oath of office.

Assistants' compensation for enumerating inhabitants.

SEC. 12. *And be it further enacted,* That each assistant shall be allowed, as compensation for his services, after the rate of two cents for each person enumerated, and ten cents a mile for necessary travel, to be ascertained by multiplying the square root of the number of dwelling-houses in the division by the square root of the number of square miles in each division, and the product shall be taken as the number of miles travelled for all purposes in taking this census.

Additional compensation for specified duties.

SEC. 13. *And be it further enacted,* That, in addition to the compensation allowed for the enumeration of the inhabitants, there shall be paid for each farm, fully returned, ten cents; for each establishment of productive industry, fully taken and returned, fifteen cents; for the social statistics, two per cent. upon the amount allowed for the enumeration of population, and for each name of a deceased person

returned, two cents: *Provided, however,* That, in making returns of farms and establishments of productive industry, the instructions given by the Secretary of the Interior must be strictly observed, and no allowance shall be made for any return not authorized by such instructions, or for any returns not limited to the year next preceding the first of June next.

SEC. 14. *And be it further enacted,* That any assistant who, having accepted the appointment, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, shall be guilty of a misdemeanor, and, upon conviction, be liable to a forfeiture of five hundred dollars; or if he shall wilfully make a false oath, it shall be deemed perjury; or if he shall wilfully make a false certificate, it shall be deemed a misdemeanor, and if convicted or found guilty of either of the last-named offences, he shall forfeit and pay not exceeding five thousand dollars, and be imprisoned not less than two years. And each marshal shall be alike punishable for the two last-named offences when committed by him.

SEC. 15. *And be it further enacted,* That each and every free person more than twenty years of age, belonging to any family residing in any subdivision, and in case of the absence of the heads and other members of any such family, then any agent of such family shall be, and each of them hereby is, required, if thereto requested by the marshal or his assistant, to render a true account, to the best of his or her knowledge, of every person belonging to such family, in the various particulars required in and by this act, and the tables thereto subjoined, on pain of forfeiting thirty dollars, to be sued for and recovered in an action of debt by the assistant to the use of the United States.

SEC. 16. *And be it further enacted,* That all fines and penalties herein provided for may be enforced in the courts of the United States within the States or Territories where such offence shall have been committed, or forfeiture incurred.

SEC. 17. *And be it further enacted,* That the marshals and their assistants are hereby authorized to transmit, through the post-office, any papers or documents relating to the census, by writing thereon, "Official business, census," and subscribing the same with the addition to his name of marshal, or assistant, as the case may be; but this privilege shall extend to nothing but documents and papers relating to the census, which shall pass free; and the sum of twelve thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of covering the expense of transmitting the blanks and other matter through the mail, to be paid to the Post-Office Department.

SEC. 18. *And be it further enacted,* That if, in any of the Territories or places where the population is sparse, the officers of the army, or any persons thereto belonging, can be usefully employed in taking the census, the Secretary of War is hereby directed to afford such aid, if it can be given without prejudice to the public service.

SEC. 19. *And be it further enacted,* That the Secretary of the Interior is hereby required to carry into effect the provisions of this act, and to provide blanks and distribute the same among the marshals, so that the enumeration may commence on the first day of June next, and be taken with reference to that day in each and every district and subdivision of districts; to draw up and distribute, at the same time, printed instructions, defining and explaining the duties of such as collect the statistics, and the limits by which such duties are circumscribed, in a clear and intelligible manner; to see, also, that all due diligence is employed by the marshals and assistants to make return of their respective doings completed, at the times herein prescribed; and further, as the returns are so made, to cause the same to be classified and arranged in the best and most convenient manner for use, and lay

Proviso.

Non-performance of duties declared a misdemeanor.

Penalties on marshals and assistants, for false oaths and false certificates.

Persons refusing to give information subject to a forfeit of thirty dollars.

Fines and penalties to be enforced in the U. States courts.

Marshals and assistants authorized to transmit papers and documents relating to the census through the Post-Office, free; for transmitting blanks, &c., an appropriation of \$12,000 is made.

Where the population is sparse, officers and others belonging to the army to give necessary aid.

The Secretary of the Interior required to provide blanks, and distribute them to the marshals.

To be laid before Congress.

Superintending clerk and other officers authorized.  
Franking privilege.

Salaries.

Proviso.

Blanks and printing.

Appropriation.  
Salary of the Secretary of the Census Board.

The marshal to certify that the assistant has performed his duty.

Tables annexed part of the act.

If no other law be passed for the taking of the census before the 1st of January of any year, required by the Constitution of the U. S., then the census to be taken according to this act.

House of Representatives to consist of two hundred and thirty-three members.

Enumeration to be made, and apportionment declared, under the direction of the Secretary of the Interior.

the same before Congress at the next session thereof. And to enable him the better to discharge these duties, he is hereby authorized and required to appoint a suitable and competent person as superintending clerk, who shall, under his direction, have the general management of matters appertaining thereto, with the privilege of franking and receiving, free of charge, all official documents and letters connected therewith; and the said Secretary shall also appoint such clerks and other officers as may be necessary, from time to time, for the efficient management of said service. And the compensation to be allowed and paid to the officers connected with the census office, shall be as follows: For the superintending clerk, two thousand five hundred dollars per annum in full for his services; and for other assistants and clerks, the compensation usually paid for similar services, to be fixed and allowed by the Secretary of the Interior. *Provided*, That no salary to a subordinate clerk under this section shall exceed the sum of one thousand dollars per annum. The blanks and preparatory printing for taking the census shall be prepared and executed under the direction of the Census Board; the other printing hereafter to be executed as Congress shall direct.

Sec. 20. *And be it further enacted*, That for the purpose of carrying into effect this act, and defraying the preliminary expenses, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, one hundred and fifty thousand dollars; out of which the said Secretary of the Interior may allow, to the person employed as secretary of the Census Board, a compensation after the rate of three thousand dollars per annum during the period he has been in their employ.

Sec. 21. *And be it further enacted*, That whenever a marshal shall certify that an assistant has completed to his satisfaction, and made return of the subdivision confided to him, and shall also certify the amount of compensation to which, under the provisions of this act, such assistant is entitled, designating how much for each kind of service, the Secretary of the Interior shall thereupon cause one half of the sum so due to be paid to such assistant, and when the returns have been carefully examined for classification, if found executed in a manner satisfactory, then he shall also cause the other half to be paid. And he shall make payments in the manner and upon like conditions to the several marshals for their services.

Sec. 22. *And be it further enacted*, That the tables hereto annexed, and made part of this act, are numbered from one to six, inclusive.

Sec. 23. *And be it further enacted*, That if no other law be passed providing for the taking of the eighth, or any subsequent census of the United States, on or before the first day of January of any year, when, by the Constitution of the United States, any future enumeration of the inhabitants thereof is required to be taken, such census shall, in all things, be taken and completed according to the provisions of this act.

Sec. 24. *And be it further enacted*, That from and after the third day of March, one thousand eight hundred and fifty-three, the House of Representatives shall be composed of two hundred and thirty-three members, to be apportioned among the several States in the manner directed in the next section of this act.

Sec. 25. *And be it further enacted*, That so soon as the next and each subsequent enumeration of the inhabitants of the several States, directed by the Constitution of the United States to be taken, shall be completed and returned to the office of the Department of the Interior, it shall be the duty of the Secretary of the Interior to ascertain the aggregate representative population of the United States, by adding to the whole number of free persons in all the States, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons; which aggregate population he shall divide by the number two hundred and thirty-three, and the prod-

uct of such division, rejecting any fraction of an unit, if any such happen to remain, shall be the ratio, or rule of apportionment, of representatives among the several States under such enumeration; and the said Secretary of the Department of the Interior shall then proceed, in the same manner, to ascertain the representative population of each State, and to divide the whole number of the representative population of each State by the ratio already determined by him as above directed; and the product of this last division shall be the number of representatives apportioned to such State under the then last enumeration: *Provided*, That the loss in the number of members caused by the fractions remaining in the several States, on the division of the population thereof, shall be compensated for by assigning to so many States having the largest fractions, one additional member each for its fraction as may be necessary to make the whole number of representatives two hundred and thirty-three. *And provided, also*, That if, after the apportionment of the representatives under the next, or any subsequent census, a new State or States shall be admitted into the Union, the representative or representatives assigned to such new State or States shall be in addition to the number of representatives herein above limited; which excess of representatives over two hundred and thirty-three shall only continue until the next succeeding apportionment of representatives under the next succeeding census.

Proviso.

Further proviso.

SEC. 26. *And be it further enacted*, That when the Department of the Interior shall have apportioned the representatives, in the manner above directed, among the several States under the next or any subsequent enumeration of the inhabitants of the United States, he shall, as soon as practicable, made out and transmit, under the seal of his office, to the House of Representatives, a certificate of the number of members apportioned to each State under the then last enumeration; and shall likewise make out and transmit, without delay, to the executive of each State, a certificate, under his seal of office, of the number of members apportioned to such State, under such last enumeration.

Certificate of the number of members apportioned to be sent to each State and H. of Rep.

SEC. 27. *And be it further enacted*, That the Secretary of the Interior, in his instructions to the marshals, shall direct that the statistics in regard to all other descriptions of hemp not embraced in the denomination of dew and water-rotted, shall be taken and estimated in the returns.

Statistics in regard to hemp, besides dew and water-rotted, to be taken in the returns.

SCHEDULE 1. — FREE INHABITANTS in the County of \_\_\_\_\_, State of \_\_\_\_\_, enumerated by me, on the \_\_\_\_\_ day of \_\_\_\_\_, 1850. \_\_\_\_\_ Assistant.

1	2	3	DESCRIPTION.			7	8	9	10	11	12	13
			Age.	Sex.	Color.							
					White, black, or mulatto	Profession, occupation, or trade of each male person over 15 years of age.	Value of real estate owned.	Place of birth, naming the State, Territory, or country.	Married within the year.	Attended school within the year.	Persons over 20 years of age who cannot read and write.	Whether deaf and dumb, blind, insane, idiotic, pauper, or convict.
1												1
2												2



SCHEDULE 4.—PRODUCTS OF INDUSTRY in \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_, during the year ending June 1, 1850, as enumerated by me. \_\_\_\_\_ Assistant.

1	2	3	Raw material used, including fuel.			7	Average No. of hands employed.		Wages.		Annual product.		
			4	5	6		8	9	10	11	12	13	14
			Quantities.	Kinds.	Values.	Kind of motive power, machinery, structure, or resource.	Male.	Female.	Average monthly cost of male labor.	Average monthly cost of female labor.	Quantities.	Kinds.	Values.

SCHEDULE 5.—SOCIAL STATISTICS of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, compiled by me. \_\_\_\_\_ Assistant.

Name of town, county, or city.	Aggregate valuation of real and personal estate.	Aggregate amount of taxes assessed.	Public schools.
	Real estate... \$ Person's estate Total... \$	State.... \$ County... Parish.... Town..... Total... \$ Road tax \$	No. colleges. Do. academies. Do. free schools. Do. other schools. Do. school-houses. Amount of money raised by tax for schools last year, \$ Raised in other ways for schools last year, \$ Received from public funds for schools last year, \$
	How valued? True valuat'n \$	How paid?	

SCHEDULE 5.—Continued.

Public libraries.	Periodicals, including newspapers.				Seasons:	
	No.	Vols.	Name.	Class.		
				How often published.	Number of circulation.	Has this season produced average crops?  What crops are short?  To what extent?  What is the average per year?
Social. Colleges. Academies. Public schools. Sunday schools.						

SCHEDULE 5. — Continued.

Public paupers.	Criminals.	Cost of labor.	Religious worship.
Whole number of paupers supported during the past y'r.	Number convicted of crime during year ending June 1, '50.	Average wages to farm hand per month, hired by the year and boarded, \$	No. of churches.
Number supported on the 1st day of June.	In prison on the 1st of June, 1850.	Average wages of a day laborer, without board, \$	No. of persons each will accommodate.
Native { White. Black.	Native { White. Black.	With board, \$	
		Average payment to a carpenter per day, without board, \$	
Foreign.	Foreign.	Average wages to a female domestic per week, without board, \$	Value of churches, \$
Cost of supporting paupers during last year.		Average price of board to a laboring man per week, \$	

SCHEDULE 6. — PERSONS WHO DIED during the year ending 1st June, 1850, in the of , in the County of , and State of , enumerated by me. Assistant.

Name of every person who died during the year ending 1st June, 1850, whose usual place of abode at the time of his death was in this family.	DESCRIPTION.					Place of birth, naming the State, Territory, or country.	The month in which the person died.	Profession, occupation, or trade.	Disease, or cause of death.
	Age.	Sex.	Color. — White, black, or mulatto.	Free or slave.	Married or widowed.				
1	2	3	4	5	6	7	8	9	10

APPROVED, May 23, 1850.

May 23, 1850.  
1837, ch. 3.

CHAP. XII. — *An Act supplementary to the Act entitled "An Act supplementary to the Act entitled 'An Act establishing a Mint, and regulating the Coins of the United States.'"*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purpose of enabling the mint and branch mints of the United States to make returns to depositors with as little delay as possible, it shall be lawful for the President of the United States, when the state of the treasury shall admit thereof, to direct transfers to be made from time to time to the mint and branch mints for such sums of public money as he shall judge convenient and necessary, out of which those who bring bullion to the mint may be paid the value thereof, as soon as practicable after this value has been ascertained; that the bullion so deposited shall become the property of the United States; that no dis-