

## TITLE XXXI.

## THE CENSUS.

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SEC. 2175. If no other law be passed providing for the taking of 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 Title.

SEC. 2176. The marshals of the several judicial districts of the United States, and of the District of Columbia and the Territories, are required 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 by law, and specified in the instructions which may be given by the Secretary of the Interior, and in the tables annexed, and to return the same to the Secretary on or before the first day of November next ensuing such enumeration, omitting from the enumeration of the inhabitants Indians not taxed; and omitting, also, at the discretion of the Secretary, any part or all of the statistics of the Territories except those of population; but if the time assigned for making the returns from the Territories proves inadequate, the Secretary may extend the same. And if there be any district or Territory of the United States in which there is no marshal, the President shall appoint some suitable person to discharge the duties assigned herein to marshals.

SEC. 2177. Every marshal, before entering upon his duties, shall take and subscribe the following oath, before any circuit or district judge of the United States, or before any judge of any State court: "I, \_\_\_\_\_, marshal of the district of \_\_\_\_\_, do solemnly swear that I will to the best of my ability enumerate, or cause to be enumerated, all the inhabitants of such 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 law providing for the taking of the census." When the oath is duly authenticated by the judge, the marshal shall deposit a copy thereof, so authenticated, with the Secretary of the Interior.

Census to be taken according to this Title, unless, &c.

23 May, 1850, c. 11, s. 23, v. 9, p. 432.

Marshals to take the census.

23 May, 1850, c. 11, s. 1, v. 9, p. 428.

Marshals to be sworn.

23 May, 1850, c. 11, s. 2, v. 9, p. 428.

Subdivisions of districts; estimates of population.

23 May, 1850, c. 11, s. 3, v. 9, p. 428.

SEC. 2178. Every marshal shall divide 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 the limits of the subdivisions shall be known civil divisions, such as county, hundred, parish, township, town, city, ward, or shall be district lines, or highways, or natural boundaries, such as rivers and lakes. He 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 a statement of such subdivisions and estimates to the Secretary of the Interior.

Assistant marshals.

23 May, 1850, c. 11, s. 4, v. 9, p. 428.

SEC. 2179. Every marshal shall appoint for each such subdivision a resident therein to be assistant marshal, to whom he shall give a commission under his hand, authorizing him to perform the duties herein assigned to assistants, and setting forth the boundaries of the subdivision; and he shall keep a true and faithful record of the appointments so made, and of the boundaries of the subdivision.

Taking reward for appointing assistant.

23 May, 1850, c. 11, ss. 6, 14, v. 9, p. 429.

SEC. 2180. If any marshal, by any arrangement or understanding whatever, secures to himself any fee, reward, or compensation for the appointment of an assistant, or in any way secures to himself any part of the compensation provided by law for the services of assistants, or knowingly neglects or refuses to perform the duties herein assigned to him, he shall forfeit not less than one thousand dollars.

Assistant to be commissioned and sworn; oath.

23 May, 1850, c. 11, s. 9, v. 9, p. 430.

SEC. 2181. 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 herein, and shall take and subscribe the following oath, which shall be thereon indorsed: "I, \_\_\_\_\_, an assistant to the marshal of the district of \_\_\_\_\_, do solemnly swear 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 by law for taking the census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns thereof;" (Signed;) and such oath 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.

Assistant neglecting or refusing to act.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

SEC. 2182. Every assistant marshal who, having accepted the appointment, neglects or refuses, without justifiable cause, to perform the duties enjoined on him, shall be liable to a penalty of five hundred dollars.

Secretary of Interior to furnish blanks and instructions.

23 May, 1850, c. 11, s. 19, v. 9, p. 431.

SEC. 2183. The Secretary of the Interior is required to provide blanks, and to distribute them among the marshals, so that the enumeration may commence on the first day of June of each census decade and be taken with reference to that day in every district and subdivision of districts; and 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.

Instructions for statistics in regard to hemp.

23 May, 1850, c. 11, s. 27, v. 9, p. 433.

SEC. 2184. 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, mentioned in schedule two, shall be taken and estimated in the returns.

Marshal to supply blanks, &c., to assistants.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

SEC. 2185. Every marshal shall seasonably supply to each of his assistants the instructions issued by the Department of the Interior, and the blanks provided for the enumeration of the population, and the collection of other statistics, and shall give to him, from time to time, all such information and directions as may be necessary to enable him to discharge his duty.

Marshal to supervise assistants; substitutes.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

SEC. 2186. Every marshal shall, from time to time, make himself acquainted with the progress made by each of his assistants in the discharge of his duties, and in case of inability or neglect arising from sickness, or otherwise, shall appoint a substitute.

SEC. 2187. Every assistant, when duly qualified, shall perform the service required of him by a personal visit to each dwelling-house and to each family in his subdivision, 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 herein, or in the tables hereto subjoined, or in 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 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, such memoranda shall be immediately read to the person furnishing the facts, in order to correct errors and supply omissions, if any exist.

SEC. 2188. In enumerating persons living in California, Oregon, Utah, and New Mexico, the several assistant marshals or agents shall include those who may have removed from their residence in any State or Territory of the United States prior to the first day of June, preceding such enumeration, and settled subsequent to that date in any of those States or Territories.

SEC. 2189. Any marshal may, for any purposes not inconsistent with the duties of the assistants herein provided for, appoint a deputy to act in his behalf; but he shall be responsible for all official acts of such deputy. And an appointment to collect the social statistics shall not be deemed an interference with the duties of the assistants.

SEC. 2190. When, 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 directed to afford such aid, if it can be given without prejudice to the public service.

SEC. 2191. Every 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, upon the request of the marshal or his assistant, render a true account, to the best of his knowledge, of every person belonging to such family, in the various particulars required herein, and the tables hereto subjoined; and, for any refusal whatever to answer either of the inquiries authorized by law, such person shall be liable to a penalty of thirty dollars, to be sued for and recovered in an action by the assistant marshal, to the use of the United States.

SEC. 2192. 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 his county, 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.

SEC. 2193. Every assistant marshal who willfully makes a false certificate shall be liable to a penalty of not more than five thousand dollars, and shall be imprisoned not less than two years.

SEC. 2194. The marshal shall carefully examine whether the return of each assistant marshal is made in conformity with law, and where discrepancies are detected shall require them to be corrected. Of the two sets of the returns required from the assistant marshals as hereinbefore provided, he shall transmit one forthwith to the Census-Office, and the other to the office of the secretary of the State or Territory to which his district belongs.

The time allowed for transmitting a copy of the returns to the Census-Office is limited as follows: The returns of population upon schedule one shall be sent to that office on or before the tenth day of September,

Duties of assistants.

23 May, 1850, c. 11, s. 10, v. 9, p. 430.

Enumeration in California, Oregon, &c.

30 Aug., 1850, c. 43, s. 2, v. 9, p. 445.

Marshal may appoint deputies.

23 May, 1850, c. 11, s. 7, v. 9, p. 429.

When officers of the Army to aid in taking census.

23 May, 1850, c. 11, s. 18, v. 9, p. 431.

Who may be required to answer questions; penalty for refusing.

23 May, 1850, c. 11, s. 15, v. 9, p. 431.

6 May, 1870, c. 87, s. 2, v. 16, p. 118.

Returns.

23 May, 1850, c. 11, s. 11, v. 9, p. 430.

Making false certificate.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

Marshal to examine and transmit returns.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

6 May, 1870, c. 87, s. 1, v. 16, p. 118.

and the complete returns upon all the schedules shall be forwarded before the first day of October following; but the Secretary of the Interior may extend the time allowed for returns on the schedules, other than those of population, in any case where it appears to him necessary; and whenever, from the loss or destruction of returns, or from causes beyond the control of the officers charged with the enumeration, it is shown to be impracticable to comply with the requirements of this section, the Secretary of the Interior may extend the time allowed for rendering returns of population, not beyond the first day of October.

New enumeration.

30 July, 1852, c. 74, s. 2, v. 10, p. 25.

Secretary of the Interior to see that diligence is employed.

23 May, 1850, c. 11, s. 19, v. 9, p. 431.

Marshal's fees.

23 May, 1850, c. 11, s. 8, v. 9, p. 429.

Assistants' compensation.

23 May, 1850, c. 11, s. 12, v. 9, p. 430.

Additional compensation.

23 May, 1850, c. 11, s. 13, v. 9, p. 430.

Pay for making and returning copies of census returns.

6 May, 1870, c. 87, s. 3, v. 16, p. 118.

Marshal and assistants, when paid.

23 May, 1850, c. 11, s. 21, v. 9, p. 432.

SEC. 2195. Whenever it is found that the census of any district or subdivision has been improperly taken, or whenever the returns of any district or subdivision are accidentally lost or destroyed, the Secretary of the Interior shall order a new enumeration of such district or subdivision.

SEC. 2196. The Secretary of the Interior shall see that due diligence is employed by the marshals and assistants to make return of their respective doings completed, at the times herein prescribed; and, as the returns are made, shall cause them to be classified and arranged in the best and most convenient manner for use; and he shall lay the same before Congress at the next session.

SEC. 2197. Whenever the population returned in any district exceeds one million, the marshal thereof shall be entitled to receive as a compensation for all his services at the rate of one dollar for each thousand persons; but if the number returned 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; but 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, to be determined by the Secretary of the Interior, shall be made. And the marshal of any district may, at his discretion, perform the duties of an assistant in any subdivision in which he may reside; and in such case he shall receive therefor the compensation allowed to assistants for like services.

SEC. 2198. Every assistant shall be allowed, as compensation for his services, at 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. The product shall be taken as the number of miles traveled for all purposes in taking the census.

SEC. 2199. 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; but 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 day of June in each decennial census.

SEC. 2200. Every assistant marshal or agent shall be paid, for making out and returning complete copies of the original census-returns, eight cents for each page of the two copies of the original census-returns required by section twenty-one hundred and ninety-two.

SEC. 2201. Whenever a marshal certifies that an assistant has completed to his satisfaction and made return of the subdivision confided to him, and also certifies the amount of compensation to which, under the provisions of law, such assistant is entitled, designating how much for each kind of service, the Secretary of the Interior shall cause one-half of the sum so due to be paid to such assistant; and when the returns

SEC. 2202. Every marshal who willfully makes a false certificate shall be fined not more than five thousand dollars, and imprisoned not less than two years.

SEC. 2203. All fines and penalties provided for in this Title may be enforced in the courts of the United States within the States or Territories where such offense has been committed or forfeiture incurred.

3 March, 1849, c. 108, s. 13, v. 9, p. 396.  
Feb., 1863, c. 59, s. 3, v. 12, p. 696.

SEC. 2205. There may be employed in the Census-Office one chief clerk, and, at the discretion of the Secretary of the Interior, such other clerks of the first class as the requirements of the service may demand, of whom the Secretary may advance, from time to time, not more than ten to the second class, nine to the third class, and six to the fourth class.

SEC. 2206. The tables hereto annexed, and made part hereof, are numbered from one to five inclusive, and are the schedules referred to in this Title.

23 May, 1850, c.  
11, s. 14, v. 9, p. 431.

**Fines and penalties.**

23 May, 1850, c.  
11, s. 16, v.9, p. 431.

Superintendent  
of Census, salary.

23 May, 1850, c.  
11, s. 19, v. 9, p. 431.

22 April, 1854, c.  
52, s. 3, v. 10, p. 276.

3, v. 12, p. 582. 25

**Clerks in the Census-Office.**

5 May, 1860, c.  
37, v. 12, p. 14.

### Tables.

23 May, 1850, c.  
11, s. 22, v. 9, p. 432.

SCHEDULE 1.—Inhabitants in \_\_\_\_\_, in the county of \_\_\_\_\_, State of \_\_\_\_\_, enumerated  
by me, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_, Assistant.

[illegible]

**SCHEDULE 2.—Productions of agriculture in \_\_\_\_\_, in the county of \_\_\_\_\_, State of \_\_\_\_\_, during the year ended June 1, \_\_\_\_\_, as enumerated by me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, Assistant.**

[illegible]**SCHEDULE 2—Continued.**

24	Buckwheat, bushels of.
25	Barley, bushels of.
26	Irish, bushels of.
27	Sweet, bushels of.
28	Value of orchard products in dollars.
29	Wine, gallons of.
30	Value of produce of market-garden.
31	Butter, pounds of.
32	Cheese, pounds of.
33	Hay, tons of.
34	Clover-seed, bushels of.
35	Other grass-seeds, bushels of.
36	Hops, pounds of.
37	Dew-rotted, tons of.
38	Water-rotted, tons of.
39	Flax, pounds of.
40	Flax-seed, bushels of.
41	Silk cocoons, pounds of.
42	Maple-sugar, pounds of.
43	Cane-sugar, hhd. of—of 1,000 pounds.
44	Molasses, gallons of.
45	Honey and bees-wax, pounds of.
46	Value of home-made manufactures.

SCHEDULE 3.—*Products of industry in \_\_\_\_\_, in the county of \_\_\_\_\_, State of \_\_\_\_\_, during the year ended June 1, \_\_\_\_\_, as enumerated by me.*  
\_\_\_\_\_, Assistant.

[illegible]

\_\_\_\_\_, Assistant.

**SCHEDULE 4—Continued.****SCHEDULE 4—Continued.**

SCHEDULE 5.—Persons who died during the year ended June 1, —, in the — of —, in the county of —, and State of —, enumerated by me. —, Assistant.

[illegible]