

tive and to vote for one delegate from the territory to Congress.

Additional judge to be appointed to reside in Madison county.

1804, ch. 59.

Superior court of Adams county may re-examine, and reverse or affirm the judgments of Washington and Madison courts.

When acting as an appellate court, superior court of Adams to consist of two judges.

Legislature authorized to establish superior courts.

Part of a former act repealed.

1804, ch. 59.

STATUTE II.

March 26, 1810.

[Obsolete.]

A general enumeration to be made under the superintendence of the marshals.

they are hereby authorized to elect one representative to the general assembly of said territory, and also to vote for one delegate from said territory, to the Congress of the United States, which election shall be held at the same time, and in the same manner as is or may be provided by law for the elections in the several counties of said territory.

SEC. 2. *And be it further enacted*, That an additional judge shall be appointed for the Mississippi territory, who shall reside in said county of Madison, and have the same compensation, which is by law allowed to the other judges of said territory, and shall possess and exercise the same powers and jurisdiction within said county, which are possessed and exercised in the county of Washington in said territory, by the judge appointed by virtue of an act, entitled "An act for the appointment of an additional judge for the Mississippi territory and for other purposes," passed the twenty-seventh of March, one thousand eight hundred and four.

SEC. 3. *And be it further enacted*, That all final judgments and decrees, rendered in the superior courts of said counties of Washington and Madison, may be re-examined and reversed or affirmed, by the superior court of Adams county in said territory, upon a writ of error issued from said superior court; which said superior court is hereby empowered, upon the reversal of any judgment or decree of said courts of Washington and Madison counties, to render such judgment as the court from whence the cause may have been removed ought to have rendered; except where a jury may be requisite to try issues or assess damages. In which cases the cause shall be remanded to the court where it originated; there to be proceeded in. And said superior court of Adams county, when sitting on the trial of any cause removed as aforesaid, shall be composed of not less than two judges.

SEC. 4. *And be it further enacted*, That the legislature of said territory shall have power and is hereby authorized, to establish a superior court in each county, which has been or may be formed within the bounds which compose the former district or county of Washington, to be holden by the judge who holds the superior court of Washington county in said territory, which courts and the courts of Madison county to be holden at such times and places as said legislature may direct. And all final judgments and decrees to be rendered by any superior court so established, may be re-examined and reversed or affirmed in the manner prescribed by the third section of this act, and the conditions on which any writ of error shall be obtained, and all other proceedings relative thereto, may be regulated by said legislature.

SEC. 5. *And be it further enacted*, That so much of the act, entitled "An act for the appointment of an additional judge for the Mississippi territory, and for other purposes," passed the twenty-seventh day of March, one thousand eight hundred and four, as comes within the purview of this act, be, and the same is hereby repealed.

APPROVED, March 2, 1810.

CHAP. XVII.—*An Act providing for the third 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 the secretaries of the Mississippi territory, of the Indiana territory, of the Michigan territory, of the Illinois territory, of the Louisiana territory, and

(a) See notes to act of March 1, 1790, chap. 2, vol. i. 101.

of the Orleans 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; and 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 of which, the marshals and secretaries aforesaid shall have power, and hereby are respectively authorized and required, to appoint one or more assistants in each county and city, in their respective districts and territories, residents of the county and city for which they shall be appointed, and shall assign a certain division of his district or territory to each assistant, which division shall not consist of more than one county or city; but may consist of one or more towns, townships, wards, hundreds, or parishes, plainly and distinctly bounded by water courses, mountains, public roads or other monuments: and the said enumeration shall be made by an actual inquiry at every dwelling-house, or of the head of every family within each district, and not otherwise: 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 duties by this act required. The oath or affirmation of the marshal or secretary shall be as follows: "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, entitled An act providing for the third 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; "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 for that purpose, by the marshal 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, entitled An act providing for the third census or 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 marshals 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, city, town, township, hundred, ward or parish, 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 secretary of _____

Classification.

Assistants to be appointed by marshals and secretaries.

Allotment of districts.

Oaths of marshals, &c. &c.

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

Name of the county, parish, township, town or city where the family resides.
Names 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.

Penalties for neglecting or making a false 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, or the secretary (as the case may be) within the time limited by this act, shall forfeit the sum of two hundred dollars.

Marshals and secretaries to file the several returns, &c.

SEC. 3. *And be it further enacted,* That the marshals and secretaries shall file the several returns aforesaid, and also an attested copy of the aggregate amount herein after 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 preserve the same. And the marshals and secretaries, respectively, shall, on or before the first day of March, one thousand eight hundred and eleven, 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 assistant 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 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 eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts or territories where the said 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 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 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 and the said attested copy of the aggregate amount aforesaid to be laid before them for their inspection.

Penalty.

Judges of the district and territorial courts to give this act in charge to the grand juries, and the returns of the 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 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 and twenty-five cents 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 and fifty dollars; the marshal of the district of New Hampshire, two hundred and fifty 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 and fifty dollars; the marshal of the district of New York, four hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, four 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, three hundred 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 Columbia, fifty dollars; the marshal for the district of Georgia, three hundred dollars; the marshal of the district of East Tennessee, one hundred and fifty dollars; the marshal of the district of West Tennessee, one hundred and fifty dollars; the marshal of the Ohio district, two hundred dollars; the secretary of the Mississippi territory, two hundred dollars; the secretary of the Indiana territory, one hundred dollars; the secretary of the Michigan territory, one hundred dollars; the secretary of the Illinois territory, one hundred dollars; the secretary of the territory of Orleans, one hundred and fifty dollars; the secretary of the territory of Louisiana, one hundred dollars.

Rates of compensation.

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 of 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 without a settled place of residence, shall be inserted in the column of the schedule, which is allotted for the heads of families, in that division where he or she shall be, on the said first Monday of August next; and every person occasionally absent at the time of enumeration, as belonging to that place in which he or she usually resides in the United States.

Who shall 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, if required, a true account, 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 in an action of debt, by such assistant, the one half for his own use, and the other half to the use of the United States.

Heads of families, &c. to render to the assistants of the marshals an account of the members of their families.

SEC. 7. *And be it further enacted*, That each and every assistant previous to making his return to the marshal or secretary, (as the case

Schedule of the number of

inhabitants to be set up in public places by the assistants in their divisions or districts.

Penalty.

Secretary of State to send to the assistants regulations and instructions pursuant to this act.

Where there is no secretary in a territory the governor to perform the duties prescribed by this act.

may be) 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 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 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.

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 the schedule to be returned, and proper interrogatories to be administered by the several persons to be employed therein.

SEC. 9. *And be it further enacted*, That in case there shall be no secretary in either of the territories of the United States, the duties directed by this act to be performed by the secretary may be performed by the governor of such territory, who shall receive the same compensation to which the secretary would be entitled for the performance of said duties, and be subject to the same penalties.

APPROVED, March 26, 1810.

STATUTE II.

March 26, 1810.

Act of Feb. 24, 1807, ch. 16, sec. 4.

Terms of the district court at Chillicothe changed.

Returns, &c. to correspond with the change.

CHAP. XVIII.—*An Act for altering the time for holding the District Court in Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sessions of the district court for the district of Ohio, by law appointed to be holden at Chillicothe, in the said district, on the first Mondays in February, June and October, shall hereafter be holden at Chillicothe, on the second Mondays of September and January annually.

SEC. 2. *And be it further enacted*, That all writs, process, and recognizances which may have been made returnable, and all suits, causes, process and proceedings, which may have been continued to the first Monday of June next, shall be and hereby are made returnable and continued over to the session of said court, which shall be holden on the second Monday of September next, and shall be as valid and proceeded on in the same manner, at said September session of said court, as if such writs, process, recognizances, suits, causes and proceedings had been originally made returnable to, and continued to said September session of said court.

APPROVED, March 26, 1810.

STATUTE II.

March 26, 1810.

To what vessels sea letters, &c. may be granted, after June 30, 1810.

CHAP. XIX.—*An Act to prevent the issuing of sea letters except to certain vessels.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth of June next, no sea letter or other document certifying or proving any ship or vessel to be the property of a citizen or citizens of the United States, shall be issued except to ships or vessels duly registered, or enrolled and licensed as ships or vessels of the United States, or to vessels which at that time shall be wholly owned by citizens of the United States, and furnished with or entitled to sea letters or other custom-house documents, any law or laws heretofore passed to the contrary