



AUTHORIZING THE FIRST CENSUS — THE SIGNIFICANCE OF POPULATION DATA

Activity Items

The following items are part of this activity and appear at the end of this student version.

- Item 1: Chapter II - An Act Providing for the Enumeration of the Inhabitants of the United States
- Item 2: Excerpt of Congressional Remarks During the Census Debate

Student Learning Objectives

- I will be able to understand primary sources.
- I will be able to identify and explain the short- and long-term impact of the 1790 act authorizing the census.

NAME: _____ DATE: _____

The framers of the U.S. Constitution established in our founding document a national census count to ensure fairness in political representation in the new democracy: Article I of the U.S. Constitution calls for an enumeration of the U.S. population every 10 years.

The country's first enumeration began in 1790 — more than a year after the inauguration of President Washington and shortly before the second session of the first Congress ended. To fulfill Article I, Congress assigned responsibility for the 1790 Census to U.S. marshals — law enforcement officers for the U.S. Department of Justice in each judicial district — under legislation that guided census collections through 1840. This act required three major things: that every resident be counted, that completed census data be posted in two of the most public places in each district, and that total counts be sent to the president.

Read the excerpt of the authorizing legislation, from **Item 1: Chapter II – An Act Providing for the Enumeration of the Inhabitants of the United States**, and answer questions 1–3.

1. In 1790, marshals carried out orders from federal judges, the U.S. Congress, or the president, and they provided representation of the federal government in their districts.
 - a. Why do you think Congress chose marshals to carry out the first enumeration instead of another group?

 - b. What might have been some potential drawbacks to this approach?

and for other purposes," passed the sixteenth day of September last, shall, with respect to the inhabitants and citizens of the state of Rhode Island and Providence Plantations, be revived, and also that the fourth section of the said act shall be revived, and both continue in force until the first day of April next, and no longer.

APPROVED, February 8, 1790.

Act of Sept. 16, 1789, ch. 15.

CHAP. II.—*An Act providing for the enumeration of the Inhabitants of the United States.* (a)

SECTION I. *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 shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts 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 of sixteen years and upwards from those under that age; for effecting which purpose the marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their assistants shall respectively take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal shall be, "I, A. B. marshal of the district of _____ 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, and return the same to the President of the United States, agreeably to the directions of an act of Congress, intituled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of _____ and make due return thereof to the said marshal, agreeably to the directions of an act of Congress, intituled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshals 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 the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in 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 _____ 1790

A. B. assistant to the marshal of _____

STATUTE II.
March 1, 1790.

[Obsolete.]
Marshals in the several districts of the U. States to take the enumeration.

Mode of enumeration.

May appoint assistants.

Marshals and assistants to take an oath.

Form of the oath.

The enumeration, to commence on the first Monday in August, 1790, and close in nine months.

Returns to be by schedule.

(a) The acts providing for taking a census of the inhabitants of the United States, subsequent to this act, have been: 1800.—Act of February 28, 1800, chap. 12; act of April 12, 1800, chap. 23. 1810.—Act of March 26, 1810, chap. 17; act of May 1, 1810; act of March 2, 1811, chap. 34; act of March 3, 1811, chap. 44. 1820.—Act of March 14, 1820. 1830.—Act of March 23, 1830, chap. 39. 1840.—Act of March 3, 1839, chap. 79; act of February 26, 1840, chap. 3; act of Jan. 14, 1841, chap. 3; act of September 1, 1841, chap. 15; resolution September 1, 1841.

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Form of the schedule.

Schedule of the whole Number of Persons within the Division allotted to A. B.

Names of heads of families.	Free white males of sixteen years and upwards, including heads of families.	Free white males under sixteen years.	Free white females, including heads of families.	All other free persons.	Slaves.
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Assistant failing to make a return, or making false return, penalty on.

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

Marshals to file return with the clerks of the district courts, and transmit the aggregate amount thereof to the President, on or before the 1st of Sept. 1791;

SEC. 3. *And be it further enacted,* That the marshals shall file the several returns aforesaid, with the clerks of their respective district courts, who are hereby directed to receive and carefully preserve the same: And the marshals respectively shall, on or before the first day of September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every marshal failing to file the returns of his assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from said returns, to the President of the United States, 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 where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, 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 President of the United States, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

penalty for failing so to do.

Forfeitures how recoverable,

and discovered.

Assistants, rate of compensation to.

SEC. 4. *And be it further enacted,* That every assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country; and where such persons reside in a city, or town, containing more than five thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marshals shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dol-

Marshals, their compensation.

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lars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

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

Rules for ascertaining residence.

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

What person of a family shall render an account of the numbers therein,

and penalty for refusing.

SEC. 7. *And be it further enacted*, That each assistant shall, previous to making his return to the marshal, 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 a copy of the schedule having been so set up and suffered to remain, shall be transmitted 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, he shall forfeit the compensation by this act allowed him.

Copies of the schedule in each division to be set up at public places, and when.

Extended to Rhode Island by act of July 5, 1790, ch. 25.

To the state of Vermont, March 2, 1791, ch. 12.

APPROVED, March 1, 1790.

www.census.gov/history/pdf/1790_Census_Act.pdf

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"Indians not taxed" refers to Indians living on reservations, tribal lands, or in tribal relations who are not subject to federal taxation. They were not counted and therefore did not count towards apportionment. Those living "in civilization" were counted under "All other free people."

States, in the State of North-Carolina, returned with amendments, in which the Senate requested the concurrence of the House; these amendments were agreed to, except one amendment only.

By the amendments of the Senate to the foregoing act a clause is introduced for the purpose of further suspending the operation of the tonnage act, respecting the vessels belonging to Rhode Island, till the first day of April next.

TUESDAY, February 2.

THEODORE BLAND, from Virginia, appeared and took his seat.

The engrossed bill for securing the copy-right of books to authors and proprietors was read the third time; but, on motion, was recommitted to Mess. BOUDINOT, SHERMAN, and SYLVESTER.

CENSUS OF THE UNION.

Mr. FOSTER, from the Committee to whom was recommended the bill providing for the enumeration of the inhabitants of the United States, reported the bill with amendments; and the House proceeded to the consideration thereof.

Mr. LIVERMORE apprehended this plan was too extensive to be carried into operation, and divided the people into classes too minute to be readily ascertained. For example, many inhabitants of New Hampshire pursued two, three, or four occupations, but which was the principal one depended upon the season of the year, or some other adventitious circumstance; some followed weaving in the spring and summer, but the making of shoes was the most predominant in the fall and winter; under what class are these people to be thrown, especially if they joined husbandry and carpenter's work to the rest? He was confident the distinction which the gentleman wished to make could not be performed; he was therefore against adding additional labor, and consequently, incurring additional expense, whether the work was executed or not. Besides this, he apprehended it would excite the jealousy of the people; they would suspect that Government was so particular, in order to learn their ability to bear the burthen of direct or other taxes, and under this idea, they may refuse to give the officer such a particular account as the law requires, by which means you expose him to great inconvenience and delay in the performance of his duty.

Mr. SEDGWICK understood, when the bill was recommitted, it was intended to specify every class of citizens, into which the community was divided, in order to ascertain the actual state of the society. Now, he had to ask, why it was not extended further? He thought the learned professions should be returned, as well as the others, and would furnish as grateful information as the return of any other. The state of society could be ascertained, perhaps, in some degree, from observing these proportions.

Mr. MADISON.—If the object to be attained by this particular enumeration be as important in the judgment of this House, as it appears to

my mind, they will not suffer a small defect in the plan to defeat the whole. And I am very sensible, Mr. Speaker, that there will be more difficulty attendant on the taking the census, in the way required by the constitution, and which we are obliged to perform, than there will be in the additional trouble of making all the distinctions contemplated in the bill. The classes of people most troublesome to enumerate, in this schedule, are happily those resident in large towns, as the greatest number of artisans live in populous cities and compact settlements, where distinctions are made with great ease.

I take it, sir, that in order to accommodate our laws to the real situation of our constituents, we ought to be acquainted with that situation. It may be impossible to ascertain it as far as I wish; but we may ascertain it so far as to be extremely useful, when we come to pass laws, affecting any particular description of people. If gentlemen have any doubts with respect to its utility, I cannot satisfy them in a better manner, than by referring them to the debates which took place upon the bills intended collaterally to benefit the agricultural, commercial, and manufacturing parts of the community. Did they not wish then to know the relative proportion of each, and the exact number of every division, in order that they might rest their arguments on facts, instead of assertions and conjectures? Will any gentleman pretend to doubt but our regulations would have been better accommodated to the real state of the society than they are? If our decisions had been influenced by actual returns would they not have been varied, according as the one side or the other was more or less numerous? We should have given less encouragement in some instances, and more in others; but in every instance, we should have proceeded with more light and satisfaction.

The gentleman from Massachusetts, (Mr. SEDGWICK) has asked, why the learned professions were not included: I have no objection to giving a column to the general body. I think the work would be rendered more complete by the addition, and if the decision of such a motion turned upon my voice, they shall be added. But it may nevertheless be observed, that in such a character they can never be objects of legislative attention or cognizance. As to those who are employed in teaching and inculcating the duties of religion there may be some indelicacy in singling them out, as the General Government is proscribed from interfering, in any manner whatever, in matters respecting religion; and it may be thought to do this, in ascertaining who, and who are not ministers of the Gospel. Conceiving the extension of the plan to be useful, and not difficult, I hope it may meet the ready concurrence of this House.

Mr. PAGE thought this particular method of describing the people, would occasion an alarm among them; they would suppose the Government intended something, by putting the Union to this additional expense, beside gratifying an idle curiosity; their purposes cannot be sup-

Source: *Annals of Congress, U.S. House of Representatives, First Congress, Second Session, Feb. 2, 1790.*

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