



The Tarborough Press,

BY GEORGE HOWARD,

Is published weekly at Two Dollars and Fifty Cents per year, if paid in advance—or, Three Dollars at the expiration of the subscription year. For any period less than a year, Twenty-five Cents per month. Subscribers are at liberty to discontinue at any time, on giving notice thereof and paying arrears—those residing at a distance must invariably pay in advance, or give a responsible reference in this vicinity.

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[BY AUTHORITY.]

LAWS OF THE UNITED STATES,
PASSED AT THE THIRD SESSION OF THE
TWENTY-FIFTH CONGRESS.

[PUBLIC—No. 17.]

AN ACT for the relief of umbrella makers.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be refunded, out of the Treasury, to such umbrella makers as have imported umbrella stretchers since the passage of the act entitled "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, A. D. eighteen hundred and thirty-two, all excess of duty, beyond what such importers would have been required to pay, if the provisions contained in the tenth and twelfth clauses of the second section of said act had at all times since its passage been suspended in their operation in the same manner as they were suspended by the act of the second of March, A. D. eighteen hundred and thirty-three, entitled "An act to explain and amend the several acts imposing duties on imports, passed the fourteenth of July, one thousand eight hundred and thirty-two, so far as relates to hardware and certain manufactures of copper and brass and other articles," and by other subsequent acts of like character.

JAMES K. POLK,
Speaker of the House of Representatives.
RH. M. JOHNSON,
Vice President of the United States, and
President of the Senate.
APPROVED, March 3d, 1839.
M. VAN BUREN.

[PUBLIC—No. 18.]

AN ACT to authorize the Secretary of the Navy to purchase a tract of land belonging to the heirs of John Harris, deceased, being within the limits of the navy yard in Charlestown, Massachusetts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be and he hereby is authorized and required to purchase certain lands situated within the limits of the navy yard in Charlestown in the State of Massachusetts, said land being the property of the heirs of John Harris, late of said Charlestown, deceased.

Sec. 2. *And be it further enacted,* That the price and value of said land may be fairly and justly estimated, the Secretary of the Navy is hereby authorized to agree with said heirs in selecting and choosing three disinterested, discreet, suitable men, who, after being sworn, and having fully examined said land, shall estimate and appraise the same: *Provided,* It can be purchased for a reasonable sum.

Sec. 3. *And be it further enacted,* That, when the appraisal shall be made known to the Secretary aforesaid, and a good & sufficient deed of the same land shall be tendered or given to the United States by the said heirs, then the Secretary of the Navy shall pay said heirs the amount of said appraisal, being the consideration for the premises, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3d, 1839.

[PUBLIC—No. 19.]

AN ACT making appropriations for building a pier at the northern extremity of Winnebago lake, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the security of the navigation of the commerce of the United States, the following sums be, and the same hereby are, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be applied to the following objects:

For building a pier at the northern extremity of Winnebago lake, in the Territory of Wisconsin, the sum of five hundred dollars;

For placing buoys at the mouth of Neenah river, at the head of Great bay, in said Territory, to mark the channel thereof, the sum of five hundred dollars.

APPROVED, March 3d, 1839.

[PUBLIC—No. 20.]

AN ACT making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon the public buildings for the use of the Executive and Legislative departments of the Government of the said Territory: *Provided,* That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the register of the land office in the district in which the land is situated within one year from the passing of this act: *And provided, further,* That nothing herein contained shall authorize the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right to pre-emption recognised by law, shall be prejudiced thereby.

Sec. 2. *And be it further enacted,* That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sections 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.

APPROVED, March 3d, 1839.

[PUBLIC—No. 21.]

AN ACT for the improvement and survey of certain rivers, and the repair of certain roads in Florida.

Resolved 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;

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

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

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 War.

APPROVED, March 3d, 1839.

[PUBLIC—No. 22.]

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.

APPROVED, March 3d, 1839.

[PUBLIC—No. 23.]

AN ACT to provide for taking the sixth census or enumeration of the inhabitants of the United States.

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 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 years 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 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 of 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, pre-

inct, 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.

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.

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.

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 reside in a city or town containing more than three thousand persons, such assistant shall receive at the same rate for every 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."

The compensation of the several marshals shall be as follows:

The marshal of the district of Maine, four hundred dollars;

The marshal of the district of New Hampshire, four hundred dollars;

The marshal of the district of Massachusetts, four hundred and fifty dollars;

The marshal of the district of Rhode Island, two hundred and fifty dollars;

The marshal of the district of Vermont, four hundred dollars;

The marshal of the district of Connecticut, three hundred and fifty dollars;

The marshal of the southern district of New York, four hundred and fifty dollars;

The marshal of the northern district of New York, four hundred and fifty dollars;

The marshal of the district of New Jersey, three hundred and fifty dollars;

The marshal of the eastern district of Pennsylvania, four hundred dollars;

The marshal of the western district of Pennsylvania, four hundred dollars;

The marshal of the district of Delaware, two hundred and twenty-five dollars;

The marshal of the district of Maryland, four hundred and fifty dollars;

The marshal of the eastern district of Virginia, four hundred dollars;

The marshal of the western district of Virginia, four hundred dollars;

The marshal of the district of Kentucky, four hundred and fifty dollars;

The marshal of the district of North Carolina, four hundred and fifty dollars;

The marshal of the district of South Carolina, four hundred and fifty dollars;

The marshal of the district of Georgia, four hundred and fifty dollars;

The marshal of the district of East Tennessee, two hundred dollars;

The marshal of the district of West Tennessee, two hundred dollars;

The marshal of the middle district of Tennessee, two hundred dollars;

The marshal of the district of Ohio, five hundred dollars;

The marshal of the district of Indiana, four hundred and fifty dollars;

The marshal of the district of Illinois, three hundred dollars;

The marshal of the northern district of Mississippi, two hundred dollars;

The marshals of the districts of Louisiana, two hundred dollars each;

The marshal of the northern district of Alabama, two hundred dollars;

The marshal of the southern district of Alabama, two hundred dollars;

The marshal of the District of Columbia, one hundred and fifty dollars;

The marshal of the district of Michigan, two hundred and fifty dollars;

The marshal of the district of Arkansas, two hundred and fifty dollars;

The marshals of the Territory of Florida, respectively, fifty dollars;

The marshals of the Territory of Wisconsin, two hundred and fifty dollars;

The marshals of the Territory of Iowa, two hundred and fifty dollars.

Sec. 5. *And be it further enacted,* 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 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.

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 the assistant of the division, if required, a true account, to the best of his or her knowledge, of 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 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.

Sec. 7. *And be it further enacted,* 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 dollars: *Provided,* Proof of the schedule having been set up 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, with the return of the number of persons, as aforesaid, he shall forfeit the compensation allowed him by this act.

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 districts and Territories, regulations and instructions, pursuant to this act, for carrying the same into effect; and, also, the forms con-