

# Who talked to the census taker?

**Y**ou've finally found that ancestor in the federal population census. You're filled with joy. You hope it corroborates other census data, or that it sheds light on an elusive family member.

Alas, joy turns to disappointment. The information is "wrong." Names, ages, or birthplaces are mangled, or not given at all, such as birthplace "unknown." Disappointment leads to questions: "Who talked to the census taker? Who gave this bad information?" You'll never know, but this article will outline some of the official guidelines provided to census enumerators from 1790 to 1870.

## A just and perfect enumeration

The 1790–1870 censuses were enumerated by assistant U.S. marshals, and it is instructive to know the standard of conduct they were expected to uphold. The Act of Congress authorizing the 1790 census required each assistant marshal—before beginning the enumeration—to swear or affirm that he would "make a just and perfect enumeration and description of all persons ... according to the best of my ability." This standard was likewise required for the 1800, 1810, and 1820 censuses. For 1830 and 1840, the standard of conduct was modified slightly to require each assistant marshal to

"make a just, faithful, and perfect enumeration ... according to the best of my ability." The Act of Congress of 23 May 1850, "An Act providing for the taking of the seventh and subsequent Censuses of the United States" governed the taking of the 1850, 1860, and 1870 censuses. This act changed the wording again to require the assistant marshal to "make a true and exact enumeration [and] make due and correct returns thereof."

## Every free person more than 16 years of age

Congress, in turn, expected people to cooperate with the assistant marshals. For the 1790 census, Congress required that "each and every person more than sixteen years of age, whether heads of families or not ... shall be ... obliged to render ... a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family" or suffer a \$20 penalty. Language authorizing the 1800 census was nearly identical, except that the duty to provide information was specifically limited to "each and every free person more than sixteen years of age," so it was clear that slaves would not be expected to give information. The 1800 language was repeated in legislation authorizing the 1810, 1820, 1830, and 1840 censuses. The act governing the 1850–70 censuses raised the

age of cooperation. Congress wrote: "That each and every free person more than twenty years of age, belonging to any family ... and in the case of the absence of the heads and other members of any such family, then any agent of such family shall be ... required ... to render a true account, to the best of his or her knowledge, of every person belonging to such family on pain of forfeiting thirty dollars...." The "any agent" language suggests that a day laborer or some other employee could answer for the whole family if necessary. A legal definition of agent is one authorized by a party to act in that party's behalf.

## Family

Since we have discussed the "agent of such family" we had better also know who was considered a family member for purposes of census enumeration.

Life was simpler long ago, so the act authorizing the 1790 census did not define the term "family." The legislation suggests, however, that it included all persons living under a common roof and master. Congress wrote that "every person whose usual place of abode shall be in any family ... shall be returned as of such family" and also instructed the assistant marshals to distinguish "the several families by the names of their master, mistress, steward, overseer, or other princi-

pal person therein.” Legislation authorizing the 1800–30 censuses used identical language but also added the direction that persons “without a settled place of residence” should

be named in the “heads of families” column, effectively making such individuals each a family of one. The act authorizing the 1840 census used similar language but said to distinguish each family “by the name of the head thereof.”

The 1850 and 1860 instructions to the assistant marshals defined a family as “either one person living separately in a house, or a part of a house, and providing for him or herself or several persons living together in a house, or in part of a house, upon *one common means of support*, and separately from others in similar circumstances” (emphasis added). The 1870 instructions reworded the definition to a “common roof and table” test. The assistant marshals were told:

*By “family” ... is meant one or more person living together and provided for in common. A single person, living alone in a distinct part of a house, may constitute a family; while, on the other hand, all the inmates of a boarding house or a hotel will constitute but a single family, though there may be among them many husbands with wives and children. Under whatever*

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

SECTION 1. *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.

March 1, 1790.

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

Mode of enumeration.

May appoint assistants.

*circumstances, and in whatever numbers, people live together under one roof, and are provided for at a common table, there is a family in the meaning of the law.*

### Actual inquiry at every dwelling house...

We genealogists take it for granted that census enumerators “went house to house.” While that undoubtedly happened, Congress felt it necessary to add a new phrase in legislation authorizing the 1810 census to clarify that “house to house” inquiry was required. Congress wrote: “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.” Had somebody been doing it “otherwise?” It seems likely that “or of the head of the family” was meant to allow the assistant marshal to talk to the head of the family out in his pasture or barn, if that’s where he was when the marshal came to call, or maybe even down at the tavern where the man of the house was having a drink with his pals.

The “actual inquiry” language

was repeated in acts of Congress authorizing the 1820, 1830, and 1840 censuses. The importance of actual inquiry was made clear because the assistant marshal was not paid for

his work until he submitted an oath or affirmation that “the number of persons set forth in the return made by me ... have been ascertained by an actual inquiry at every dwelling-house, or of the head of every family, in exact conformity with the provisions of said act.” The act governing the 1850–70 censuses changed the “actual inquiry” language to “personal visit.” Congress wrote “That each assistant ... shall perform the service required of him, by a personal visit to each dwelling house, and to each family ... and shall ascertain, by inquiries made of some member of the family, if any one can be found capable of giving the information, but if not, then of the agent of such family.” The 1850 (and later) instructions directed the assistant marshals “to make inquiry at all stores, shops, eating houses, and other similar places, and take the name and description of every person who usually slept there, provided such person is not otherwise enumerated.” One has to wonder how a person would know if they were “otherwise enumerated” somewhere else. In any event, “those only who belong to such family, and consider it their

home or usual place of abode, whether present or temporarily absent on a visit, journey, or voyage, are to be enumerated.” The 1860 and 1870 instructions reintroduced the “actual inquiry” language by stating “... make the enumeration by actual inquiry at every dwelling-house, or by personal inquiry of the head of every family, and not otherwise.”

A single building might contain more than one “dwelling house,” as the 1860 instructions noted, “when several tenements are in one block with walls to separate them, having different entrances, they are each to be numbered separately, but where not so divided they are to be enumerated as one house.” The 1870 instructions phrased it slightly differently: “By ‘dwelling house’ is meant a house standing alone, or separated by walls from the other houses in a block.”

### Dealing with uncooperative persons

The 1830 and 1840 instructions were the first ones to deal with the issue of uncooperative persons. They advised the assistant marshals to read the penalty section of the census legislation to such persons “whenever it may be found necessary.”

The 1850 instructions were longer and more detailed, and had this to say about the tone and process by which the information was to be collected:

*To the Assistant Marshals: ...*

2. He [the Assistant Marshal] is to approach every family and individual from whom he solicits information with

civil and conciliatory manners, and adapt himself, as far as practicable, to the circumstances of each, to secure confidence and good will, as a means of obtaining the desired information with accuracy and despatch.

3. If any person, to whom application is made for information should refuse to give it, or should designedly give false information, the assistant should inform him of the responsibility he thereby incurs, and that he renders himself liable to a penalty, according to the fifteenth section of the act of Congress.
4. The act provides that “*the assistant marshals shall make the enumeration by actual inquiry at every dwelling house, or by personal inquiry of the head of every family, and not otherwise.*” This requirement must be strictly observed.
5. As soon as the schedules are filled up, and the information in relation to each family is obtained according to the instructions, the assistant should read over, and exhibit to the parties from whom he received the same, the record of the information obtained, and correct or supply any error or omission. The object of this rule is to prevent mistakes, and secure accuracy.

The 1870 instructions were much revised from those of 1850,

but had a similar thrust. As in previous years, if “persons properly subject to enumeration refuse to give information in the particulars required, they will be admonished of their liability” to pay a penalty for their refusal. Assistant marshals were counseled, however, to

*... make as little show as possible of authority. They will approach every individual in a conciliatory manner; respect the prejudices of all; adapt their inquiries to the comprehension of foreigners and persons of limited education, and strive in every way to relieve the performance of their duties from the appearance of obtrusiveness. Anything like an overbearing disposition should be an absolute disqualification for the position.*

### For more information

The 1790–1870 censuses were conducted according to these Acts of Congress: 1 *Statutes at Large* 101–03 (Act of 1 Mar. 1790); 2 *Statutes at Large* 11–14 (Act of 28 February 1800); 2 *Statutes at Large* 564–68 (1810); 3 *Statutes at Large* 548–53 (Act of 14 March 1820); 4 *Statutes at Large* 383–89 (Act of 23 March 1830); 5 *Statutes at Large* 331–37 (Act of 3 March 1839) and 5 *Statutes at Large* 368–69 (Act of 26 February 1840, relating to transients); and 9 *Statutes at Large* 428–436 (Act of 23 May 1850). For some enumerations, Congress enacted additional legislation not pertinent to the issues discussed in this article.



Photo by the U.S. Census Bureau.

Instructions for the taking of the 1820–50 and 1870–90 censuses, and much more, are in Carroll D. Wright, *The History and Growth of the United States Census* (Washington: Government Printing Office, 1900; reprint, New York: Johnson Reprint Corporation, 1966). Enumerator Instructions, 1850–2000, are available online at the University of Minnesota’s Integrated Public Use Microdata Series Web site at <<http://www.ipums.umn.edu/usa/voliii/tEnumInstr.html>>; follow the links

for each census year. The “IPUMS Documentation” Web page at <<http://www.ipums.org/usa/doc.html>> links to many valuable Web pages.

The U.S. Census Bureau has historical information about the 1790–2000 censuses online at <<http://www.census.gov/prod/www/abs/decennial/>>, then follow the links for each census year. The online information includes PDF and/or ZIP files of the published 1790 census, the 1840 census of Revolutionary War pensioners, as

well as reports and statistics derived from the 1810–2000 censuses.

A future *NGS NewsMagazine* article will examine these issues in connection with the 1880 and later censuses. †

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