

Census.

1. When census to be taken.
2. Secretary of State to prepare blank returns, &c.
3. To transmit them to the county clerks.
4. County clerk to transmit blank returns, &c., to township clerks.
5. Assessor to make enumeration.
6. Assessor to enter in blank return particulars of enumeration.
7. Enumeration of persons, how made.
8. Assessor to certify to return.
9. Assessor to deliver certified returns to county clerk.
10. County clerk to transmit to Secretary of State duplicate returns.
11. Secretary of State to report to legislature.
12. Assessors' accounts, how settled.
13. Compensation of assessors.
14. Printing, postage, &c., how paid for.

An act in relation to the census or enumeration of the inhabitants of this state.

P. L. 1855, p. 417.

Approved March 24, 1855.

When census to be taken.

1. An enumeration of the inhabitants of this state shall be taken during the present year, eighteen hundred and fifty-five, and during every tenth year hereafter.

Secretary of State to prepare blank returns.

2. The secretary of state shall, as soon as may be after the passage of this act, and also every tenth year hereafter, cause uniform blank returns and abstracts, together with copies of this act, to be printed for the purpose of taking such enumeration.

To transmit them to county clerks.

3. The secretary of state shall, on or before the first day of May next, and on or before the first day of May in every such tenth year hereafter, transmit in such manner as he may think proper, to each of the county clerks, twice as many of such blank returns, and as many copies of this act as there are election districts in their respective counties.

County clerks to transmit blank returns to township clerks.

4. It shall be the duty of each county clerk, on or before the fifteenth day of May next, and on or before the fifteenth day of May in every such tenth year hereafter, to forward to the township clerk of each of the townships in his county, and to the clerk of the common council in each of the cities, a sufficient number of blank returns and copies of this act, so as aforesaid, transmitted to him by the secretary of state, to supply each assessor of such town or city, on demand, with duplicate sets of said blank returns, and one copy of this act.

Assessor to make enumeration.

5. On the first day of June next, and on the first day of June in every such tenth year hereafter, every such assessor shall proceed to enumerate, truly and accurately, the inhabitants residing in the election district for which he shall have been appointed, by making actual inquiry at every dwelling house, or of the head of every family residing therein, classifying the same as follows:

Native white males.	Children between five and sixteen years of age.
“ “ females.	Male.
“ colored males.	Female.
“ “ females.	Colored male.
Foreign white males.	“ female.
“ “ females.	
“ colored males.	
“ “ females.	

Duty of assessor.

6. Each assessor shall enter in the blank return received the particulars of the enumeration so made.

Enumeration of persons, how made.

7. Every person whose place of abode shall be in any family on the first day of June next, and on the first day of June in every such tenth year hereafter, shall be returned as of such family; and every person casually absent at the time of taking the enumeration, as belonging to that place in which he usually resides.

Assessors to certify to returns.

8. The return so made out shall be certified by each assessor taking the enumeration to be true and accurate, to the best of his knowledge and belief, and shall state the number of pages of which it consists, which certificate shall be subscribed and sworn to by him before any officer authorized to administer oaths.

9. Each assessor shall, on or before the twentieth day of August next, and on or before the twentieth day of August in every such tenth year hereafter, cause the returns so certified, with a duplicate copy thereof carefully made and compared, and certified in the manner above specially provided, to be delivered to the county clerk of the county in which such assessor shall reside.

To deliver returns to county clerk.

10. Each county clerk shall, immediately after receiving such certified statements of the enumeration, and the duplicate copies of the same from the assessors in the several election districts in his county, transmit to the secretary of state by express, all the duplicate returns filed in his office, carefully boxed in such manner as to protect them; and if the assessor shall neglect for five days after the twentieth day of August to make his return as aforesaid, the clerk of the county in which he shall reside, shall immediately proceed himself, or despatch a messenger, to procure such return and duplicate, and the expense thereof shall be deducted from the account of such assessor, by the board of supervisors or board of chosen freeholders of the county in which he may reside, if they shall think proper.

County clerk to transmit to Secretary of State duplicate returns.

11. The secretary of state, after receiving such duplicate returns, shall prepare and report to the legislature, on or before the fifteenth day of January in each year succeeding the taking of such census, a general account of the enumeration, specifying the result thereof, in the several towns, wards, cities and counties of the state, with a full recapitulation of the whole.

Secretary of State to report to legislature.

12. The accounts for the services of the assessors done under this act, shall be audited by the board of supervisors or board of freeholders of the county where the services are performed, and shall be assessed, collected and paid as part of the contingent expenses of such city or county.

Assessor's accounts, how settled.

13. The assessors shall be entitled, as remuneration for their services, to fifty cents per hundred inhabitants enumerated as aforesaid, to be paid by the respective counties.

Compensation of assessors.

14. All liabilities incurred for printing, postage and transmission of returns, when audited by the proper officer, shall be paid by the treasurer and charged to a special account.

Printing, postage &c., how paid for.

Certiorari.

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| 1. May be allowed by judge in term or vacation. Judge may make orders thereon. | 8. Allowance of costs. |
| 2. Allowance of. | 9. Court in certain cases may determine questions of fact. May reverse or affirm in whole or in part. |
| 3. To be presented in open court. | 10. On reversal of assessment for public improvements, court may appoint commissioners to make a new assessment. |
| 4. On indictments. Recognizance required. | 11. Jurisdiction of circuit court. |
| 5. Recognizance, where filed. | 12. Limitation of certiorari. |
| 6. Proceedings in supreme court on certiorari. | |
| 7. Recognizance required in other cases. Condition of Where delivered and filed. | |

An act relative to the writ of certiorari.

R. S. 200, 929, 983, 984.

P. L. 1865, p. 799.

" 1871, p. 124.

" 1873, p. 165.

Revision—Approved March 27, 1874.

1. That writs of *certiorari* and of *supersedeas* may be allowed in term or vacation (a) by a justice or judge of the court, out of which they may issue, and such justice or judge is hereby authorized at any time to make all necessary orders thereon. (b)

May be allowed by judge in term or vacation

P. L. 1865, p. 799.

Judge may make orders thereon.

(a) A *certiorari* in a road case may be allowed in vacation, *Powell v Hitchener*, 3 Vr. 211. For cases before act of April 6, 1865, where application was made to a judge at chambers, and where applied for at bar, see *Ludlow v Ludlow*, 1 South. *357(a); also *Griscom v. Gilmore*, 3 Gr. 475, and *Ex parte Shough*, 1 Harr. 264.

(b) The court from which a *certiorari* issues, is to decide on its legality; the inferior court must obey it, *The State v. Hunt*, Coxe 287. A *certiorari* may issue although there may

be an appeal as in case of commissioners, etc., *Kingsland v. Gould*, 1 Hal. 161. *New Jersey R. R. Co. v. Snyder*, 2 Harr. 25; but not in cases in justices' courts, *post* JUSTICES' COURTS, § 96. A *mandamus* was issued to the common pleas where they had ordered proceedings on an appeal to be stayed until a *certiorari* should be decided, *Budd v. New Jersey R. R. Co.*, 2 Gr. 468. See *White v. McCall*, Coxe 93. *State v. Bidleman*, 1 Harr. 267.