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**Memorial of the Legislative Council of the Territory of Michigan,
praying that a territorial government be established for the
western part of said territory, or Wisconsin, &c**

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MEMORIAL

OF

THE LEGISLATIVE COUNCIL OF THE TERRITORY OF MICHIGAN,

Praying that a Territorial Government be established for the western part of said territory, or Wisconsin, &c.

DECEMBER 23, 1834.

Ordered to be printed and referred to the Committee on the Judiciary.

EXECUTIVE OFFICE, DETROIT,
December 12, 1834.

SIR: In obedience to a request of the Legislative Council of the Territory of Michigan, I have the honor to transmit to you a memorial of that body, praying the establishment of a separate territorial government for the district of country west of Lake Michigan, and which I have to request you will present to the Senate of the United States.

I have the honor to be, very respectfully,

Your most obedient servant,

STEVENS T. MASON.

Hon. MARTIN VAN BUREN,
*Vice President of the United States,
and President of the Senate.*

To the Senate and House of Representatives of the United States in Congress assembled.

At an extra session of the Legislative Council of the Territory of Michigan, held on the first Monday of September last, pursuant to an act of Congress of the 30th of June, 1834, an act was passed to provide for the taking a census of the inhabitants of that part of the Territory of Michigan which is situated to the eastward of the Mississippi river.

This duty has been performed by the sheriffs of the several counties, under oath, and nearly in the same manner as that which has been heretofore adopted by the General Government to obtain an enumeration of the citizens of the United States.

The population is found to amount to ninety-two thousand six hundred and seventy-three souls.

The counties situated upon the peninsula, and those lying north and west of Lake Michigan, contain the following numbers:

Wayne, - - -	16,638	Jackson, - - -	1,865
Washtenaw, - - -	14,920	Berrien, - - -	1,787
Oakland, - - -	13,844	Calhoun, - - -	1,714
Monroe, - - -	8,542	Branch, - - -	764
Lenawe, - - -	7,911	Michilimackinac, - - -	891
Macomb, - - -	6,055	Chippewa, - - -	526
Cass, - - -	3,280	Brown, - - -	1,957
St. Joseph, - - -	3,168	Crawford, - - -	810
Kalamazoo, - - -	3,124	Iowa, - - -	2,633
St. Clair, - - -	2,224		

In this enumeration the inhabitants of the country which is situated between the Mississippi and Missouri rivers, and which was, for the purpose only of temporary government, attached to the Territory of Michigan, at the last session of Congress, is not embraced. They may be justly estimated at from five to eight thousand souls.

The population of western Michigan (now generally known as the Wisconsin Territory) may be stated at from ~~twelve to fifteen~~ thousand. And we would again respectfully ask of your honorable body, to hear their complaints, and to grant to them speedily the relief for which they pray.

The country inhabited by that people has been subjected at various times to different governments; but on all occasions the promise seems to have been held out to them, that their subjection to those governments should be but temporary. So remote indeed have been the seats of those governments, that it is believed neither the laws of the United States nor of any territory *actually* had force west of Lake Michigan until after the year 1820. About that time a justice of the peace or notary public might be seen claiming and exercising his office there under a commission from the King of France.

The inhabitants between Lake Michigan and the Mississippi have almost every year since their subjection to the government of Michigan, in the year 1818, complained to Congress of the great evils under which they were suffering in consequence of this connexion. They are separated from the great majority of the inhabitants of the territory by one of the largest lakes upon this continent; and it must obviously be very difficult, if not impracticable, to communicate with them during one half of the year.

Their pursuits in life are also as widely different as their habitations are distant.

It is supposed that a very large proportion of the country which lies between Lake Superior, Green Bay, and the Fox, Wisconsin, and Mississippi rivers, must continue for many years as it is now, the hunting grounds of uncivilized Indian tribes.

South of the Wisconsin river and within this territory, and also in the counties of Dubuque and Des Moines, west of the Mississippi, are situated the very extensive and valuable lead mines of the United States. The miners are the immediate tenants of the Government, pursuing a very laborious and hazardous business, and paying their rent to it as to a landlord: it is presumed they are for these reasons entitled to its special attention and protection. They compose more than two-thirds of the population of that part of the territory,

and they reside upwards of six hundred miles (some as much as nine hundred miles) from the seat of territorial government.

The judiciary system in that section of the territory, likewise, is so weak and inefficient, that the laws afford little or no protection to the virtuous, nor does their prompt and energetic administration deter the vicious.

It is feared by that people, that these and even greater evils are about to be entailed upon them and their country *for ever*, by the formation of a State government by the eighty-seven thousand two hundred and seventy-three people inhabiting the peninsula of Michigan and the counties north of the peninsula, *for the whole of the territory which lies north of the line drawn east through the southerly bend of Lake Michigan.*

It is to this unnatural union, so prejudicial to the best interests of the inhabitants of western Michigan, and destructive to their rights as American citizens, your memorialists would respectfully call the attention of your honorable body; and they do respectfully ask, on behalf of the citizens of the whole territory, that Congress will at its present session establish a territorial government for the citizens inhabiting the territory lying west of the a line drawn through the middle of Lake Michigan to the northern extremity, and thence north to the boundary line of the United States.

Your memorialists respectfully refer to the act to provide for taking a census of the inhabitants of Michigan, passed by the council, September 6, 1834, together with the aggregate returns of the census taken under the said act, copies of which said documents, duly certified by the Secretary of the Territory, are herewith presented to your honorable body.

Resolved, That his Excellency, the acting governor, be, and he is hereby requested, to transmit copies of the preceding memorial to the President of the Senate, to the Speaker of the House of Representatives, and to the Delegate in Congress from this Territory.

JOHN McDONELL,

President of the Legislative Council.

JOHN NORVALL, *Secretary.*

COUNCIL CHAMBER, DETROIT, Dec. 12, 1834.

An act to provide for taking a Census of the Territory of Michigan; together with the returns in conformity with said Act.

AN ACT

To provide for taking a Census, and for other purposes.

Sec. 1. *Be it enacted by the Legislative Council of the Territory of Michigan*, That the sheriffs of the several counties in said Territory lying east of the Mississippi river respectively, shall be, and they are hereby required, to cause the number of the inhabitants within their respective counties, and the counties attached to the same for judicial purposes, (omitting in such enumeration Indians not taxed,) to be taken according to the directions of this act.

Sec. 2. The said enumeration shall distinguish the sexes of all free white persons, and the 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 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, and 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, and those who are blind: the said enumeration shall distinguish the sex of all free colored persons, and of all other colored persons bound to serve for life and for a term of years; for effecting which the sheriffs of the several counties as aforesaid are hereby required to appoint in each township (except the township in which the said sheriff resides) an assistant, who shall be a resident of such township: *Provided*, That in any of the counties lying north and west of Lake Michigan, the sheriff may appoint such and so many assistants as he may think proper.

Sec. 3. The said enumeration shall be made by an actual inquiry by such sheriff or assistant, at every dwelling-house, or by personal inquiry of the head of every family; the sheriffs and their assistants shall, respectively, before entering on the performance of their duties under this act, take and subscribe an oath or affirmation before some judge or justice of the peace, resident within the county, for the faithful performance of their duties. The oath or affirmation of the sheriffs shall be as follows: I, A. B., sheriff of the county 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, and return the same to the county clerk on or before the first Monday in November next, or within three days thereafter; and will also forward to the Secretary of the Territory a statement of the aggregate number of inhabitants in my district, according to the provisions of this act, to the best of my ability. The oath or affirmation of the assistant shall be as follows: I, A. B., appointed an assistant to the sheriff of the county of _____, do solemnly swear, (or affirm,) that I will make a just, faithful, and perfect enumeration and description of all persons resident within the township assigned to me for that purpose, by the sheriff of the county of _____ and will make due returns thereof to the said sheriff, on or before the first Monday in November, A. D. 1834, 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 the township of _____, or personal inquiry of the head of every family, and not otherwise.

Sec. 4. The enumeration shall be completed and closed between the second Monday of October and the first Monday of November, A. D. 1834, and the said enumeration shall embrace all persons inhabitants of said township on the second Monday of October, 1834; and the said assistants shall deliver to the sheriffs 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 return shall be in a schedule, which shall distinguish in their respective townships the several families, by the name of their master, mistress, steward, overseer, or other principal person therein: *Provided*, That if there be inhabitants in any of the counties not included within the boundaries of any township, the sheriff shall take or cause to be taken an enumeration of such inhabitants, and shall include the same in his return.

Sec. 5. Every assistant failing or neglecting to make a proper return, or who shall make a false return of the enumeration, to the sheriff within the

time limited by this act, shall forfeit the sum of one hundred dollars, recoverable at the suit of the Auditor of the Territory before any court of competent jurisdiction, which sum when collected shall be paid into the territorial treasury.

Sec. 6. The sheriff shall, within three days after the first Monday in November, file in the office of the county clerk the several returns of his assistants, together with the census taken by each sheriff, and shall also within three days from said first Monday of November, forward to the Secretary of the Territory a statement of the aggregate number of inhabitants within his district; and the clerks of the several counties shall within three days after the said returns shall be deposited with them, forward to the Governor of the Territory full copies of said returns; and every sheriff or clerk failing to do any of the duties respectively required by this act, shall for every such offence forfeit the sum of two hundred and fifty dollars; which sum so forfeited shall be recoverable at the suit of the Auditor of the Territory in any court of competent jurisdiction, and when collected shall be paid into the territorial treasury. And it is hereby made the duty of the prosecuting attorneys in the several districts, to prosecute for all violations of the provisions of this act.

Sec. 7. That every sheriff or assistant shall receive at the rate of one dollar and twenty-five cents for every hundred persons by him or them returned, where such persons reside in the county; and where such persons reside in a city or town containing more than two thousand persons, such sheriff or assistants shall receive at the rate of one dollar for every hundred; but where, from the dispersed situation of the inhabitants in some townships or counties, the said sum of one dollar and twenty-five cents will not be sufficient for one hundred persons, the sheriff shall certify the facts to the Legislative Council at their next session, that they may receive such a sum as shall be deemed an adequate compensation; all of which shall be paid out of the territorial treasury: *Provided further*, That before any sheriff or assistant as aforesaid, shall in any case be entitled to receive any 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 provisions of this act, have been ascertained by actual inquiry at the dwelling house, or a personal inquiry at 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.

Sec. 8. That the Secretary of the Territory shall be, and he is hereby authorized and required to transmit within fifteen days from the passage of this act, to the several sheriffs, copies of this act and regulations and instructions pursuant thereto, for carrying the same into effect; and also all necessary blank forms, and such other forms as may be necessary in carrying this act into execution; and he is hereby authorized to receive from the territorial treasury the sum of two hundred dollars to defray the expenses of the same; and the said sheriffs respectively shall deliver one copy of this act, together with the necessary blank forms, to each assistant by him appointed.

Sec. 9. If any sheriff in any county within this territory shall directly or indirectly ask, demand, or receive, or contract to receive, of any assistant to be by him appointed under this act, any fee, reward, or compensation for the appointment of such assistant, to discharge the duties required of such assistant under this act, or shall retain from such assistant any portion of the compensation allowed to the assistant by this act, the said sheriff shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay the amount of two hundred and fifty dollars for each offence, to be received and applied in the same manner as other penalties are recovered and applied by the provisions of this act.

Sec. 10. That each clerk and sheriff shall transmit to the Legislative Council an account for all services rendered by him in the discharge of his duties, as prescribed by this act, that they may receive such compensation as they may be respectively entitled to for their services.

Sec. 11. That in case of the death or inability of the sheriff in any county to perform the duties prescribed by this act, the services shall be performed by the under sheriff if any there be, and in case there shall be no under sheriff, the said duties shall be performed by the coroner of such county.

STEVENS T. MASON,

President of the Legislative Council.

Approved Sept. 6, 1834,
JOHN McDONELL,

Census of the Peninsula of Michigan.

Free White Persons, (including heads of families.)

MALES.	Names of Counties.													
	Wayne.	Monroe.	Washtenaw.	St. Clair.	St. Joseph.	Berrien.	Branch.	Calhoun.	Jackson.	Cass,	Oakland.	Macomb.	Lenawc.	Kalamazoo.
Under five years of age, - - -	1655	908	1443	219	279	165	67	156	171	344	1351	661	774	297
Of five and under ten, - - -	1260	636	1160	161	251	121	62	120	157	258	1107	490	603	220
Of ten and under fifteen, - - -	1024	525	957	112	197	76	43	109	109	223	915	397	509	180
Of fifteen and under twenty, - - -	956	417	815	119	179	95	46	76	90	177	731	350	427	186
Of twenty and under thirty, - - -	2095	945	1547	293	454	331	86	258	230	365	1394	586	938	428
Of thirty and under forty, - - -	1027	699	1046	204	233	159	61	132	147	200	1071	402	556	261
Of forty and under fifty, - - -	599	309	566	100	108	55	29	64	55	119	515	217	290	104
Of fifty and under sixty, - - -	243	190	376	41	56	29	18	29	29	54	274	115	146	48
Of sixty and under seventy, - - -	88	78	124	21	24	12	3	9	22	25	119	47	44	27
Of seventy and under eighty, - - -	24	23	18	8	7	2	-	-	7	8	26	20	9	8
Of eighty and under ninety, - - -	6	8	5	4	-	1	-	-	-	1	6	3	1	2
Of ninety and under one hundred, - -	1	-	-	-	-	1	-	-	-	-	-	-	-	2
Of one hundred and upwards, - - -	-	1	-	-	-	-	-	-	-	-	-	3	-	-
FEMALES.														
Under five years of age, - - -	1444	808	1435	221	271	149	76	159	162	323	1325	579	745	249
Of five and under ten, - - -	1181	604	1014	139	211	121	53	119	132	251	1028	438	509	230
Of ten and under fifteen, - - -	1059	487	832	123	186	78	37	105	99	180	780	360	451	172
Of fifteen and under twenty, - - -	951	420	800	94	175	87	54	87	90	193	692	271	416	165
Of twenty and under thirty, - - -	1365	724	1303	184	251	164	64	156	182	278	1147	502	706	261
Of thirty and under forty, - - -	764	406	742	107	172	79	34	74	95	119	699	289	399	137
Of forty and under fifty, - - -	396	226	437	45	73	22	14	36	36	98	385	175	231	70
Of fifty and under sixty, - - -	174	100	180	26	40	26	15	17	33	42	206	92	94	38
Of sixty and under seventy, - - -	61	34	81	9	14	7	2	4	15	12	97	35	45	20
Of seventy and under eighty, - - -	30	11	26	6	3	2	-	4	3	6	22	18	11	3

Free Colored Persons.

FEMALES.	Names of Counties.													
	Wayne.	Monroe.	Washington.	St. Clair.	St. Joseph.	Berrien.	Branch.	Calhoun.	Jackson.	Cass.	Oakland.	Macomb.	Lenawee.	Kalamazoo.
Under ten years of age, - - -	22	3	2	-	-	2	-	-	-	-	-	5	-	-
Of ten and under twenty-four, -	22	4	7	-	-	-	-	1	1	-	-	2	-	-
Of twenty-four and under thirty-six, -	18	2	4	-	-	-	-	1	-	-	-	2	-	-
Of thirty-six and under fifty-five, -	11	3	3	-	-	-	-	-	-	-	-	2	-	-
Of fifty-five and under one hundred, -	1	2	-	-	-	-	-	-	-	-	-	-	-	-
Of one hundred and upwards, -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total, - - -	*16638	8542	14920	2244	3168	1787	764	1714	1865	3280	13844	6055	7911	3124
	Grand Total, - - - - - 85,856													

White Persons, included in the foregoing.

Who are deaf and dumb, under 14 years of age, -	3	-	1	-	1	-	-	-	-	-	-	-	-	-
Who are deaf and dumb of the age of 14, and under 25, - - -	-	1	1	-	-	-	-	-	-	-	-	1	-	-
Who are deaf and dumb, of 25 and upwards, - -	-	1	1	-	2	-	-	-	2	2	-	1	-	-
Who are blind, -	1	-	3	-	-	-	-	-	-	-	-	2	-	-
Aliens.—Foreigners not naturalized, -	1997	369	421	191	221	-	-	53	1	10	198	-	-	-

Slaves and Colored, included in the foregoing.

Who are deaf and dumb under 14 years of age, -	-	-	-	1	-	-	-	-	-	-	-	-	-	-
Who are deaf and dumb of the age of 14 and under 25, - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Who are deaf and dumb of the age of 25 & upwards, -	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Who are blind, -	-	-	-	1	-	-	-	-	-	-	-	-	-	-

* This amount includes 56 aliens in Nunkin, ages not specified, and not included in the amount under the several heads.

Census of the Extra-Peninsular Counties of Michigan.

Free White Persons, (including heads of Families.)

MALES.	Names of Counties.				
	Brown.	Chippewa.	Crawford.	Iowa.	Michilimack- inac.
Under five years of age, - - -	94	50	40	220	66
Of five and under ten, - - -	95	35	33	163	61
Of ten and under fifteen, - - -	88	33	23	79	58
Of fifteen and under twenty, - - -	76	43	27	128	44
Of twenty and under thirty, - - -	519	95	72	681	162
Of thirty and under forty, - - -	310	55	74	317	81
Of forty and under fifty, - - -	91	20	27	104	40
Of fifty and under sixty, - - -	33	5	6	32	32
Of sixty and under seventy, - - -	11	4	3	9	10
Of seventy and under eighty, - - -	7	1	2	1	2
Of eighty and under ninety, - - -	1	1	-	2	2
Of ninety and under one hundred, - - -	-	-	-	-	-
Of one hundred and upwards, - - -	-	-	-	-	1
FEMALES.					
Under five years of age, - - -	102	46	50	236	55
Of five and under ten, - - -	113	32	32	132	55
Of ten and under fifteen, - - -	72	14	19	94	49
Of fifteen and under twenty, - - -	64	32	24	92	41
Of twenty and under thirty, - - -	126	30	32	191	57
Of thirty and under forty, - - -	73	12	20	77	41
Of forty and under fifty, - - -	20	9	5	28	25
Of fifty and under sixty, - - -	13	3	2	15	8
Of sixty and under seventy, - - -	5	1	2	6	1
Of seventy and under eighty, - - -	3	-	-	-	-

Free White Persons, (including heads of Families.)

FEMALES.	Names of Counties.				
	Brown.	Chippewa.	Crawford.	Iowa.	Michilimack- inac.
Of eighty and under ninety, - -	2				
Of ninety and under one hundred.					
Of one hundred and upwards.					

Slaves.

MALES.				
Under ten years of age, - - -	-	-	3	4
Of ten and under twenty-four, - -	-	-	2	2
Of twenty-four and under thirty-six, - -	-	-	1	2
Of thirty-six and under fifty-five.	-	-	-	-
Of fifty-five and under one hundred, -	-	-	-	1
Of one hundred and upwards. - -	-	-	-	1
FEMALES.				
Under ten years of age, - - -	-	-	1	1
Of ten and under twenty-four, - -	-	-	1	4
Of twenty-four and under thirty-six, - -	-	-	1	-
Of thirty-six and under fifty-five,	-	-	-	1
Of fifty-five and under one hundred,	-	-	-	2
Of one hundred and upwards.	-	-	-	-

Free Colored Persons.

MALES.				
Under ten years of age, - - -	7	3	-	1
Of ten and under twenty-four, - -	9	1	-	4
Of twenty-four and under thirty six, - -	7	1	1	6
Of thirty-six and under fifty-five, -	1	-	-	3
Of fifty-five and under one hundred, -	2	-	-	-
Of one hundred and upwards.	-	-	-	-

Free Colored Persons.

FEMALES.	Names and Counties.				
	Brown.	Chippewa.	Crawford.	Iowa.	Michilimack- inac.
Under ten years' of age, - - -	2	-	-	1	
Of ten and under twenty-four, - -	2				
Of twenty-four and under thirty-six, - -	6	-	1		
Of thirty-six and under fifty-five, - -	2	-	-	3	
Of fifty-five and under one hundred, - -	1	-	1		
Of one hundred and upwards, - - -					
Total, - - -	1,957	526	{ 505 } *305	2,633	891
	Total - - - -				6,817

White Persons, included in the foregoing.

Who are deaf and dumb, under 14 years of age.					
Who are deaf and dumb of the age of 14, and under 25.					
Who are deaf and dumb, of 25 and upwards.					
Who are blind, -	1	1	1		
Aliens. — Foreigners not naturalized, -	-	79	86		

Slaves and Colored, included in the foregoing.

Who are deaf and dumb, under 14 years of age.					
Who are deaf and dumb of the age of 14 and under 25.					
Who are deaf and dumb of the age of 25 and upwards.					
Who are blind.					

* Military stationed at Fort Crawford, viz: 262 men, 13 women, and 21 children—3 male slaves and 6 female slaves.