

Commissions issued under 29 Char 2, to be valid, although not confined to one County.

' have been general and not confined to any one County, and doubts are entertained whether such general Commissions are authorized by the said Act of Parliament; Be it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That all Commissions heretofore made by the said Chief Justice and Justices, under and by virtue of the said Act of Parliament, shall be good and valid, notwithstanding any such Commission be general and not confined to any one County.

Commissions may be issued either with limitation or without.

II. And be it declared and enacted, That hereafter it shall and may be lawful for the said Chief Justice and Justices to make and issue Commissions under the said Act of Parliament, either with limitation to any one or more Counties in the Province, or without any such limitation, as to them in their discretion may seem meet.

Commissions to take effect in the several Counties of New Brunswick 5th Dec. 1840.

CAP. LII.

An Act for ascertaining the Population of this Province.

Passed 25th March 1840.

Justices to appoint fit persons in each Parish to take an account of the population.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in the several Counties in this Province shall and may, and they are hereby required at their first General Sessions to be holden after the receipt of this Act by the Clerk of the Peace for the County as hereinafter provided, or at any Special Sessions to be for that purpose expressly convened, to appoint such and so many fit person or persons within each Town or Parish within their respective Counties, as they shall think expedient to take an account of the Population thereof, in manner hereinafter directed; and if more than one person shall be so appointed for any Town or Parish, then to divide such Town or Parish into convenient districts, assigning to each person so appointed to take such account in his particular district; which persons so appointed to take such account, shall be liable in all respects to the same rules and regulations, penalties and forfeitures, as Town or Parish Officers are subject and liable to by virtue of any Law in force for the appointment and regulation of Town or Parish Officers: Provided that the Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, shall as soon as conveniently may be after the passing of this Act, appoint such and so many fit person or persons as to them shall seem meet to take such account within the said City, in like manner with the Justices of the Peace for the several Counties at their General or Special Sessions as aforesaid.

Persons appointed to be subject to the same regulations and penalties as other Parish Officers.

Corporation of Saint John to appoint persons for the City.

Account to be taken as hereinafter directed.

II. And be it enacted, That the persons so appointed as aforesaid shall, at the times and in the manner hereinafter directed, severally take an account of the number of persons who shall be actually found at the time of taking such account within the limits of the Parish, City or District for which they may be respectively appointed, and shall set down the several particulars respecting the same, according to the form prescribed in the Schedule annexed to this Act.

This Act to be sent to the Clerks of the Peace and by them to the Justices.

III. And for the more speedy and effectual obtaining of such accounts, Be it further enacted, That a sufficient number of printed copies of this Act, and of the Schedule thereto, (such number to be regulated and determined by order of His Excellency the Lieutenant Governor or Commander in Chief for the time being,) shall on or before the first day of May next, after the passing of this Act, be transmitted by the Queen's Printer to the Clerks of the Peace in the several Counties, and the said several Clerks of the Peace shall, and they are hereby required with all convenient speed, to cause the said Act to be distributed among the

the Justices of the Peace in the several Counties, so that at least one Justice in each Parish may be furnished with one of the said printed copies of the said Act, and also to cause two of the said printed Schedules to be delivered to each person appointed as aforesaid to take the account required by this Act, within the said several and respective Counties.

Two printed Schedules to be delivered to persons appointed to take account.

IV. And be it enacted, That the persons so appointed to take such accounts as aforesaid shall with all convenient expedition, after receiving such Schedules, and within such time as will enable them to deliver or transmit their respective answers and returns to the Clerks of the Peace by the day hereinafter limited for that purpose, proceed to take an account in writing of the number of persons at the time of taking such account, being within the limits of the Parish, City or District for which they may be respectively appointed as aforesaid, and inform themselves of the several particulars relating to the matters specified in the questions contained in the said Schedules, by proceeding from house to house, or otherwise as they shall judge expedient, for the better execution of this Act; and from such information and lists shall prepare duplicate answers or returns to the said questions according to the forms prescribed in the said Schedules, and shall sign and make oath to the same before a Justice of the Peace of the County, according to the said forms, which oath any such Justice is hereby authorized and required to administer; and the better to enable such persons so appointed as aforesaid to make such answers and returns, they are hereby severally and respectively authorized and empowered to ask all such questions of the persons within the Parish, City or District for which they may be respectively appointed as aforesaid, respecting themselves and the number and quality of the persons constituting their respective families, as shall be necessary for stating the particulars required to be stated concerning them in the said answers and returns; and every person refusing to answer or wilfully giving a false answer to such questions or any of them, shall for every such refusal or false answer forfeit a sum not exceeding three pounds nor less than twenty shillings, at the discretion of the Justice before whom complaint thereof shall be made; and the said persons so appointed as aforesaid to take such accounts, shall deliver or transmit their several and respective answers and returns in duplicate as aforesaid, to the Clerks of the Peace for the several and respective Counties, on or before the first day of December next after the passing of this Act.

Persons appointed to inform themselves by going from house to house, or otherwise,

and prepare duplicate answers and returns under oath.

Penalty for refusing to answer or giving a false answer.

V. And be it enacted, That the several Clerks of the Peace shall on or before the tenth day of December next after the passing of this Act, transmit one copy of such answers and returns as they shall have received in manner aforesaid, together with a list of the Parishes, Districts or places within their respective Counties, from which no returns may have been received, to the office of the Secretary of the Province, and shall place and keep the other copy of such answers and returns on file in their offices respectively; and the answers and returns which shall be so transmitted to the office of the Secretary of the Province shall be digested and reduced into order by such officer or person as the Lieutenant Governor or Commander in Chief for the time being shall appoint for that purpose, and abstract thereof shall be laid before the General Assembly at their next Session.

Clerks of the Peace to transmit one of the returns with a list of places from which no returns have been received to the Secretary's office and file the other copy.

Returns to be digested and laid before the General Assembly.

VI. And be it enacted, That there shall be allowed and paid out of the Province Treasury, to each Clerk of the Peace for the services required of him by this Act, the sum of ten pounds, and to each and every person appointed and employed under this Act to take such account as aforesaid, who shall make and transmit to the Clerk of the Peace of the County, by the day hereinbefore limited for that purpose, due answers and returns according to the Schedule to this Act annexed,

Remuneration to Clerks of the Peace and persons appointed to take the accounts.

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annexed, the sum of seven shillings and six pence for each and every day that such person shall make it appear to the Justices of the Peace for the several Counties, at the General Sessions, that he has been actually employed in the services required of him by this Act; the number of days to be certified by the said Justices at their General Sessions to the Lieutenant Governor or Commander in Chief for the time being; which said sums in this Section mentioned shall be paid out of any monies in the Province Treasury, by Warrant of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council, in favor of the Clerk of the Peace, to be by him paid to the respective persons entitled to the same without any deduction whatever.

Penalty for neglect of duty by persons appointed to take accounts.

VII. And be it enacted, That any person appointed under this Act to take such account as aforesaid, who shall refuse or neglect to perform any of the duties required of him by this Act, shall for each and every such refusal or neglect, forfeit and pay a sum not exceeding five pounds nor less than forty shillings, at the discretion of the Justice before whom complaint shall be made.

Recovery and application of penalties.

VIII. And be it enacted, That the several and respective forfeitures and penalties herein before mentioned shall and may be recovered upon complaint made before any Justice of the Peace for the County where the offence may be committed, upon the oath of one or more credible witness or witnessess, and be levied by distress and sale of the good and chattels of the offender, rendering the overplus (if any) after deducting the costs and charges of prosecution and sale to such offender, and to be applied one half to the use of the person who shall sue for the same, and the other half to the use of the Poor of the Parish where the offence may be committed.

SCHEDULE.

Schedule.

Questions, to which by directions of an Act of Assembly passed in the third year of the Reign of Her Majesty Queen Victoria, intituled "An Act for taking an account of the Population of this Province," written answers in duplicate are to be returned by the persons appointed, under and by virtue of the said Act, to take such account, signed and attested upon oath by such persons respectively:—

First.—How many inhabited houses are there in your City, Parish or District, and by how many families are they inhabited?

Secondly.—How many houses are now building, and therefore not yet inhabited?

Thirdly.—How many other houses are uninhabited?

Fourthly.—How many persons (including children of whatever age) are there actually found within the limits of your City, Parish or District, at the time of taking this account, distinguishing males and females, and persons above and under sixteen years of age, and people of colour, and exclusive of men actually serving in Her Majesty's Regular Forces, and of Seamen either in Her Majesty's Service or belonging to registered vessels, and native Indians?

Fifthly.—How many places of Worship in your City, Parish or District, and the particular denomination to which they belong?

Sixthly.—How many Grist Mills?

Seventhly.—How many Saw Mills?

Eighthly.—What is the estimated quantity of cultivated or cleared land.

Ninthly.—How many Horses?

Tenthly.—How many Neat Cattle?

Eleventhly.—How many Sheep?

Twelfthly.—How many Swine?

Thirteenthly.—Are there any other matters which you think it necessary to remark in explanation of your answers to any of the preceding questions?

Form of Answer contained in the Schedule to an Act of Assembly, Third Victoria, intituled "An Act for ascertaining the Population of this Province."

Name and description of Parish or City, or District in such Parish or City, and within what County situate.	Question 1st.	Question 2d.	Question 3d.	Question 4th. Persons, including Children of whatever age.								Places of Worship.					Mills.	Cleared Land.	Stock.					
	Inhabited Houses. By how many Families inhabited.	Houses now Building.	Other Houses uninhabited.	Whites.				People of Colour.				Church of England.	Presbyterian.	Methodist.	Baptist.	Roman Catholic.	Other Denominations.	Grist.	Saw.	Estimated Quantity.	Horses.	Neat Cattle.	Sheep.	Swine.
				Males above 16 years of age.	Males under 16 years of age.	Females above 16 years of age.	Females under 16 years of age.	Males above 16 years of age.	Males under 16 years of age.	Females above 16 years of age.	Females under 16 years of age.	Total of Persons.												

N. B. If any Family occupy two or more Houses in different Parishes or Districts, the individuals belonging to each Family are to be numbered only in those Parishes or Districts where they severally happen to be at the time of taking the account.

Question.—Are there any other matters which you think it necessary to remark, in explanation of your answers to any of the preceding questions?

I, A. B. the person appointed to take an account of the Population for (City, Parish or District,) in the County of _____, do swear that the above Return contains, to the best of my knowledge and belief, full and true answers to the Questions contained in the Schedule to an Act, intituled "An Act for ascertaining the Population of this Province."

The above mentioned A. B. sworn this _____ day of _____, before me.
C. D, Justice of the Peace for the County of _____.

Form of Return.

CAP.