

## C H A P. VII.

*AN ACT to Repeal part of the Second Clause of an Act passed in the Thirty-Third Year of His Late Majesty's Reign, entitled, "An Act to Provide for the Nomination and Appointment of Parish and Town Officers, within this Province," and to make more Effectual Provision for obtaining an Accurate Census of the Population of this Province.*

[PASSED JAN. 19th, 1824.]

**W**HEREAS it is expedient that an Accurate Census of the Population of this Province should, from time to time, be obtained, and deposited in the Office of the Governor, Lieutenant Governor, or Person administering the Government of this Province:—**AND** WHEREAS, the Laws now in force for that purpose are found not to answer the end, and it is, therefore, expedient to repeal the same, and to make other provision by law for obtaining such Census:—

PREAMBLE:

**BE IT THEREFORE ENACTED**, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Late Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the

So much of the 33J. Geo. III. as relates to the taking a complete list of every male and female by town clerk, &c. repealed.

same,—That from and after the passing of this Act, so much of the second clause of an Act passed in the thirty-third year of His Late Majesty's Reign, entitled, "An Act to Provide for the Nomination and Appointment of Parish and Town Officers within this Province," as relates to the taking a True and Complete List of every Male and Female Inhabitant, by the Town Clerk, within the limits of his Parish, Town, or Township, and returning the same to the Justices in General Quarter Sessions assembled, in the month of April, be, and the same is hereby repealed.

Assessors to take a correct list of the inhabitants of the parish &c. for which they are appointed.

II. *And be it further Enacted by the authority aforesaid,* That from and after the passing of this Act, it shall be the duty of the Assessors chosen or appointed for any Parish, Township, place or places, in this Province, to take a True and Correct List of all the Inhabitants of the Parish, Township, reputed Township, place or places, for which they may be chosen or appointed; which List shall be in the following form:—

In the following form.

| NAMES OF HEADS OF FAMILIES. | NUMBER IN EACH FAMILY. |                    |                  |                    | TOTAL. |
|-----------------------------|------------------------|--------------------|------------------|--------------------|--------|
|                             | Males, under 16.       | Females, under 16. | Males, above 16. | Females, above 16. |        |
|                             |                        |                    |                  |                    |        |

Assessors to demand a correct list of persons composing each family and their ages, including persons employed or resident therein.

And it shall and may be lawful for the Assessors, or one of them, and they are hereby required to demand from every Inhabitant, Householder, or Head of a Family, at the usual place of residence of such Householder or Head of a Family, a true and correct List

of the number of persons composing such family, male and female, and their respective ages, including therein all persons employed by, or resident with, such Householder or Head of a Family; and if such Inhabitant, Householder, or Head of a Family, shall refuse to give in a true and correct List, or shall neglect to do so for ten days after the same shall have been demanded, as aforesaid, he or she shall, for every such refusal or neglect, forfeit and pay a fine of Forty Shillings.

And in case of refusal shall forfeit forty shillings.

III. *And be it further Enacted by the authority aforesaid, That* the said Assessors shall severally subscribe such List, to be taken by them, and shall deliver the same to the Clerk of the Peace for the District in which they may reside, on or before the first day of April in each and every year; and at the same time, they, or one of them, shall make oath before the Clerk of the Peace, (which oath he is hereby authorised to administer,) that such List hath been faithfully taken by attendance at the usual place of residence of the several householders, or heads of families therein named, and contains a true and correct statement of the number of inhabitants in the township, place, or places for which the same shall have been taken, according to the best of his or their knowledge and belief.

Assessors shall subscribe such list, and deliver the same to the Clerk of the Peace before 1st of April in each year;

And shall make oath as to the correctness of such list.

IV. *And be it further Enacted by the authority aforesaid, That* it shall be the duty of the Town Clerk in each and every town or township in this Province, within ten days after the holding of the town-meeting, for such town, township, or place, to notify the persons chosen at such town-meeting as Assessors, by leaving a notice in writing at their usual place or places of residence, or by personally acquainting them thereof, of their having been so chosen; and to require of such persons immediately to take the oath prescribed for parish and town officers; and further, it shall be the duty of the Town Clerk to transmit to the Clerk of the Peace, within twen-

Town Clerk to notify to persons chosen as Assessors their being so chosen.

And to require them to take the oath prescribed for parish and town officers.

Town Clerk to transmit to Clerk of the Peace, names and descriptions of Assessors chosen, with affidavit that he had notified them of their election.

And in case of neglect shall forfeit £3.

ty days after the holding of the Town Meeting, the names and descriptions of the persons who may have been chosen Assessors at such Town Meeting, accompanied by affidavit that he hath duly notified them of their election or appointment as Assessors, as required by this Act; and if such Town Clerk shall neglect, or refuse so to notify the Assessors, and to acquaint the Clerk of the Peace of the names and descriptions of such Assessors, he shall pay a fine of Three Pounds.

If Assessors neglect the duties imposed upon them, Clerk of the Peace to summons them to answer as herein directed;

And if they do not appear, Justices to impose a fine not more than £10, nor less than £5.

Nothing herein contained, to authorise Justices to fine upon any one Assessor from the goods &c. of another.

V. *And be it further Enacted by the authority aforesaid, That* if any Assessor or Assessors shall neglect to perform the duties hereby imposed upon him or them, it shall be the duty of the Clerk of the Peace to cause such Assessor or Assessors to be summoned by any one of His Majesty's Justices of the Peace, to appear at the next General Quarter Sessions of the Peace, or before any two Justices of the Peace to answer for such neglect or refusal; and if such Assessor or Assessors shall be convicted before the said Court or Justices of such neglect or refusal, or shall not appear before such Court or Justices, in obedience to such summons, due proof of the service thereof being first made, the Court, or Justices, shall impose a fine upon him or them, not exceeding Ten Pounds, nor less than Five Pounds:—*Provided nevertheless, That* nothing herein contained, shall be construed to authorise the said Court or Justices to levy the fine imposed upon any one Assessor from the goods or chattels of the other.

In case of neglect or refusal of Assessor to discharge duties, or in case no Assessors chosen, or in case of death, &c. Justices of General Quarter Sessions to appoint two persons to perform their duties;

VI. *And be it further Enacted by the authority aforesaid, That* in case of the neglect or refusal of the Assessor or Assessors, chosen and appointed at the Town Meeting, to discharge the duty hereby imposed upon him; or in case no Assessors are chosen and appointed at the Town Meeting, or in case of the death, removal, or sickness of any Assessor or Assessors, it shall be lawful for the

Justices assembled at the said Court of General Quarter Sessions, or any adjourned or Special Session, to appoint two fit and discreet persons to perform the duties of Assessors; and the Clerk of the Peace shall forthwith notify them, respectively, of their appointment, and such persons so appointed, or either of them, shall be liable to be proceeded against, at any adjourned meeting of the said Court, or before any two Justices of the Peace, for neglecting to take the oath of Assessor for the space of ten days after a notice of appointment shall have been served; or for any neglect or refusal to perform the duty by this Act required to be performed by Assessors, and shall be liable, upon conviction, on the oath of one or more credible witness or witnesses, to a like fine as is hereby prescribed respecting the Assessor or Assessors, chosen at the Town Meeting; and the Court, or Justices, before whom any conviction shall take place under this Act, shall continue to appoint another or other Assessor or Assessors, and to punish the same for neglect or refusal to act as such in the manner pointed out by this Act, until the duties hereby required, shall be performed.

And the Clerk of the Peace to notify them of appointment, and they shall be liable to be proceeded against, for neglecting to take oath;

Or neglecting to perform duties shall be liable to same fine as prescribed respecting Assessors chosen at Town Meetings.

Certain Justices to appoint other Assessors, and to punish for neglect &c. in manner pointed out by this Act.

VII. *And be it further Enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace to make out a General Return of the population of his district, from the several returns which he may receive from the Assessors, and to transmit the same to the Office of the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, on or before the first day of June, in each and every year; and if such General Return shall not contain the whole population of his district, he shall send in a return of such townships or places as may be deficient, as soon as practicable after he shall be enabled so to do, by the Assessor or Assessors of such townships or places.

Clerk of the Peace to make General Return of population, and transmit it to the Office of the Lieut. Governor;

And in case Return be deficient, shall supply that deficiency as soon as practicable.

Fees to be taken by  
Clerk of the Peace,  
Assessors, and Town  
Clerk.

VIII. *And be it further Enacted by the authority aforesaid, That the Clerk of the Peace, Assessors, and Town Clerk, shall be entitled, for the duties by this Act imposed upon them, to demand and receive from the Treasurer of the district, from, and out of any monies in his hands for the public uses of the district, the sums following; that is to say:—*

The Clerk of the Peace, for each return, One Pound.

The Assessor, Three Pounds for every Hundred Pounds upon the Assessment Roll, in addition to the remuneration now afforded by Law.

The Town Clerk, Five Shillings for each Notification.

Provided that they shall not receive any reward until return filed and certificate produced.

*Provided nevertheless, that the Assessor or Assessors of, or for any town, township, or place, shall not receive any fee or reward whatever for the performance of any duty, as Assessor or Assessors, until the return of the population in this Act required, shall have been filed in the Office of the Clerk of the Peace, and a certificate thereof produced to the Treasurer, any law to the contrary notwithstanding.*

Fines and forfeitures with costs of conviction, to be recovered as herein directed,

IX. *And be it further Enacted by the authority aforesaid, That the fines and forfeitures imposed by this Act, except as is herein otherwise provided for, together with costs of conviction, shall and may be recovered before any two or more of His Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses, or by the confession of the party, and shall and may be levied, by distress and sale of the goods and chattels of the person or persons convicted, under and by virtue of a warrant for that purpose issued by the Justices, or any two of them, before whom, he or they may have been convicted; one half of which fines shall be paid to the informer, or person who shall sue for the same, and the other half into the hands of the Treasurer, for the public uses of the district.*

And half paid to informer and other half into the hands of the Treasurer for the uses of the District.