

Laws of Her Majesty's Province of United Canada, passed in the year 1847. Montreal:
Stewart Derbshire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 14

An Act for taking the Census of this Province, and obtaining Statistical Information therein. 28th July, 1847.

Whereas it is expedient to make more effectual provision for taking a Periodical Census and Enumeration of the Inhabitants of this Province, and for obtaining other Statistical Information hereinafter mentioned; as also to provide for the Registration of Births, Marriages and Deaths within that portion of this Province called Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act passed in the Session held in the fourth and fifth years of the Reign of Her present Majesty, intituled, *An Act to repeal certain parts of an Act therein mentioned, and to provide for taking a Periodical Census of the Inhabitants of this Province, and for obtaining the other Statistical Information therein mentioned*; as also the forty-fifth and so much of the fifteenth Sections of an Act of the Legislature of the late Province of Upper Canada, passed in the first year of the Reign of Her Majesty Queen Victoria, intituled, *An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers*, as relates to the manner and form of taking the Census; and also so much of any Act or Law as may be inconsistent with or repugnant to the provisions of this Act, shall be and the same are hereby repealed.

II. And be it enacted, That the Receiver General, the Secretary of the Province and the Inspector General shall constitute and be a Board of Registration and Statistics; and it shall be the duty of the said Board to prepare and cause to be printed and circulated as hereinafter provided, all such forms and schedules as to them shall seem best adapted for the purposes of this Act, and also such instructions as they shall deem necessary for the use and guidance of the several persons who shall be appointed to take the Census or Enumeration hereinafter provided for.

III. And be it enacted, That the said Board shall have the general supervision of the Statistics of the Province, and shall cause to be prepared annually, and laid before the Legislature, a general Report of the Statistics of the Province, in such form as to them may seem fit, which said Report shall contain all such information relative to the Trade, Manufactures, Agriculture and Population of the Province as they may be able to obtain.

IV. And be it enacted, That the Governor may appoint a Secretary to the said Board, or assign the duties of that office to any clerk in any one of the offices the heads of which constitute the Board.

V. And be it enacted, That the first General Census under this Act shall be taken in the months of February and March, one thousand eight hundred and forty-eight, and a like General Census in the same months, in the year one thousand eight hundred and fifty, and also in the same months in every fifth year thereafter.

VI. And be it enacted, That it shall be the duty of the several District Councils in Upper Canada, and of the Municipal Councils in Lower Canada, to set off and apportion each Township or Parish in their respective Districts or Counties into Enumeration Divisions, and to appoint one or more fit and proper persons as an Enumerator or Enumerators in each division so set off: Provided always, that nothing in this Act contained shall be construed to annul or make void the appointment and employment as Enumerators in any District, County, City, Town or Village of any person or persons who may now by any law in force be the proper Officer or Officers for taking the Census.

VII. And be it enacted, That for the purposes of this Act, the divisions of Cities and Incorporated Towns (if any) as adopted for Municipal purposes, shall be the Enumeration divisions of such Cities or Incorporated Towns, and it shall be the duty of the Councils of Cities and Towns and the Boards of Police of Incorporated Towns, and the Councils of Villages in Lower Canada, to appoint fit and proper persons as Enumerators therein: Provided always, that nothing herein shall be held to prevent such Councils and Boards of Police from adopting the most efficient means of procuring the required returns; nor shall it be incumbent on them unless they see fit, to appoint more than one Enumerator for any such City or Corporate Town or Village, or for any number of Divisions therein.

VIII. And be it enacted, That it shall and may be lawful for the several District or Municipal Councils, the Councils of Cities and Towns, and the Boards of Police of Incorporated Towns and Councils of Villages, to apportion such sum or sums of money from the General Revenues of such District, County, City, Town or Village as they shall deem sufficient for remuneration to the persons appointed to take the Census in the several Enumeration Divisions if they shall think fit so to do.

IX. And be it enacted, That the several persons so appointed Enumerators as aforesaid, shall visit every house within such Enumeration Division or Divisions as shall be assigned to them respectively, and take an account in writing, according to the forms to be provided for that purpose by the Board aforesaid, of the number of persons dwelling therein, and of the age and occupation of all such persons, and also, of the number of inhabited houses and of uninhabited houses within such division, and of every particular, matter and thing which may be specified in the forms or schedules to be provided for that purpose.

X. And in order to enable such Enumerators more effectually to take the said accounts: Be it enacted, That the said Enumerators may demand from the head of every family residing within their respective divisions, or from any member of such family being more than twenty-one years of age, and from the owners or managers of all factories, agents of companies and others, true answers to all such questions as shall be necessary for the purpose of taking such accounts.

XI. And be it enacted, That any head of a family or member thereof being twenty-one years of age, any owner or manager of a factory, or any agent of any company, or any other person, who shall refuse to answer, or who shall wilfully give a false answer to any such questions as aforesaid; and any person who shall in any way wilfully obstruct any Enumerator or Enumerators in the execution of the duties required of them by this Act, shall, for every such refusal, false answer or wilful obstruction, on conviction thereof before any two Justices of the Peace for the District, City or Town in which such person shall reside, incur a penalty of not less than ten shillings nor more than fifty shillings currency, and costs, to be taxed by such Justices; and if such penalty and costs be not forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, under the warrant of such Justices or either of them, or in default of such goods and chattels the offender may be committed by such Justices to the Common Gaol of the District, for any period not exceeding seven days; and one half of the said penalty shall belong to the informer and the other shall be paid to the Treasurer of the District, Municipality, City, Town or Village, as the case may be, and shall form part of the funds thereof, and shall be applied towards the payment of the expenses of taking the Census.

XII. And be it enacted, That the said Enumerators respectively shall sign and certify their returns, and make oath or solemn affirmation before any Justice of the Peace within their District, Municipality, City, Town, or Village, to the effect that the same have been truly and faithfully taken by them and that the same are correct so far as they can ascertain, and shall lodge the same in the Office of the Clerk of the Peace of the District or City, Village or Town Clerk or Clerk of the Municipality within one month next after the account shall have been so taken.

XIII. And be it enacted, That any Enumerator so appointed as aforesaid who shall wilfully neglect to make any return by this Act required, or shall wilfully make a false return, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to punishment by fine, not exceeding twenty-five pounds, or by imprisonment in the Common Gaol or Prison of the District for any period not exceeding three calendar months, or by both, in the discretion of the Court before whom the conviction shall be had; Provided always, that any Enumerator who shall wilfully make a false return of such Census upon oath or solemn affirmation as aforesaid, shall, upon conviction thereof, be liable to all the pains and penalties of wilful and corrupt perjury.

XIV. And be it enacted, That it shall be the duty of the Clerk of the Peace of each District, or Clerk of each City or Town Council or Board of Police, or of the Municipality or Village, to examine the returns sent to him by the Enumerators, and to cause any defect or inaccuracy that may be discovered therein to be supplied or corrected as far as may be possible; and to make therefrom an abstract in such form as shall be required by the Board aforesaid, and to transmit triplicate copies of such abstract to the said Board within one month next after his receipt of such returns, and copies thereof shall be laid before the two Houses of the Legislature, within twenty days after their receipt by the said Board, if the Provincial Parliament be then sitting, or otherwise within the first ten days of the Session then next ensuing; and the original notes shall be kept as records of the District, City, Town, Village, or Municipality in which they shall have been taken.

XV. And be it enacted, That it shall be the duty of the Board aforesaid, to cause a sufficient supply of the necessary forms and instructions to be forwarded to the several Wardens of Districts, Mayors of Cities, Municipalities, Towns or Villages, and Presidents of the several Boards of Police of incorporated Towns, six weeks before the time in each year appointed by this Act for taking the Census.

XVI. And be it enacted, That from and after the passing of this Act it shall be the duty of every Clergyman, Teacher, Minister or other person authorized by law to baptize, marry, or perform the funeral service in Upper Canada, to keep a Registry shewing the persons whom he shall have baptized or married, or who shall have died within his cure and belonging to his congregation; the said Registry to be forwarded by him to the Clerk of the Peace, of the District or Clerk of the City or Town Council or Board of Police of the City or Town, where he shall reside or officiate at the time, on or within five days alter the first day of January, April, July and October in each year.

XVII. And be it enacted, That wherever in Upper Canada no Clergyman, Teacher, or Minister of any church or congregation shall be resident within a reasonable distance of any settlement, then it shall be the duty of the head of any family, belonging to such church or congregation of which a clergyman shall not be so resident, in which a birth, death, or marriage shall take place, to notify the same to the Clerk of the Township in which he may reside, or in case of there not being any such officer, then he shall notify the same to the nearest Township Clerk, and the Clerks of the several Townships shall forward the same to the Clerks of the Peace of the District, at the periods mentioned in the next preceding section.

XVIII. And be it enacted, That the returns last mentioned shall be forwarded by the respective Clerks of the Peace of the District, and Clerks of the City or Town Councils or Boards of Police, to the Board aforesaid, on or before the first day of January, in every year.

XIX. And be it enacted, That in Upper Canada all Coroners shall return lists of the inquests held by them, together with the findings of the Juries, to the said Board, on or before the first day of January in every year.

XX. And be it enacted, That all Clerks of the Peace shall furnish in triplicate to the said Board, and at such periods as the Board shall appoint, lists of all convictions which may be had either before Courts of Quarter Sessions or before individual Magistrates within their District.

XXI. And be it enacted, That any person neglecting or refusing to comply with the requirements of this Act, in any matter for which no punishment is herein specially provided, shall be guilty of a misdemeanor, and shall be liable to punishment accordingly; and all penalties incurred under this section shall be distributed and applied in the manner hereinbefore provided with regard to other penalties.