

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 49

An Act to provide more effectually for taking the Periodical Census of the Province. 30th August, 1851.

Whereas it is expedient that the Census of this Province should be taken in the year one thousand eight hundred and fifty-two, then in the year one thousand eight hundred and sixty-one, and thereafter in every tenth year, and that better provision should be made for taking the said Census: 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, and 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 the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for taking the Census of this Province, and obtaining Statistical information therein*, and all other provisions of Law inconsistent with this Act, shall be and are hereby repealed.

II. And be it enacted, That the Census of this Province shall be taken, and the other statistical information hereinafter mentioned shall be obtained, in the month of January, one thousand eight hundred and fifty-two, and in the same month in the year one thousand eight hundred and sixty-one, and so in every tenth year thereafter.

III. And be it enacted, That the said Census shall be taken under the superintendence of the Board of Registration and Statistics, which shall from time to time frame instructions for the guidance of the persons employed in taking the same, and forms to be used by them, and shall cause such instructions and forms to be printed and distributed in such numbers as may be requisite for the purposes of this Act.

IV. And be it enacted, That the instructions and forms aforesaid may extend to all the heads of statistical information included in the Schedule to the Census Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and repealed by the Act herein first above cited, and to such other or further statistical information as the said Board may deem of public interest and importance.

V. And be it enacted, That it shall be lawful for the Governor to appoint a Census Commissioner to act in and for each County of this Province, exclusive of any City in such County, and of any incorporated Town therein containing by the then last Census five thousand souls or upwards, and a Census Commissioner to act in and for each City and each such incorporated Town as aforesaid.

VI. And be it enacted, That the Census Commissioner for each such locality as aforesaid, shall appoint one or more Enumerators to act in Upper Canada in and for each Township Municipality therein (whether composed of one Township or of more than one), and in Lower Canada, in and for each Parish, extra-parochial place or Township, and in and for each Ward of any City or incorporated Town, in both sections of the Province, and may divide any such Municipality, Parish, extra-parochial place or Ward into two or more Enumeration Districts, and appoint one or more Enumerators for each, whenever he shall deem it expedient: Provided always, that every Penitentiary, Gaol or House of Correction, Public Hospital or Lunatic Asylum, to be named for the purpose by the Board of Registration and Statistics, shall be a separate Enumeration District, in and for which the Warden, Gaoler, Keeper, or other person having charge thereof, shall be the Enumerator by virtue of his office.

VII. And be it enacted, That the said Enumerators shall act under the immediate instructions and directions of the Census Commissioner over the County, City or Town within which they are respectively to act, and it shall be the duty of each Census Commissioner to instruct each Enumerator under him, and to see that he perfectly understands the duties he is to perform under this Act, and to furnish him with the proper forms; and also to cause public notice to be given of the taking of the said Census, and of the information which all persons are required to give to the said Enumerators, and the manner and time in and at which the same is to be given, and the penalties to be incurred for refusing or neglecting to give it.

VIII. And be it enacted, That on the second Monday in January, one thousand eight hundred and fifty-two, and on the second Monday in January in every year thereafter in which the Census is to be taken, and upon such number of days next after each such Monday as may be necessary, every Enumerator shall, under the instructions of the Census Commissioner under whom he is to act, visit every house in his Enumeration District, and shall diligently and faithfully take an account in writing of the name, sex, age and occupation, of every living person who abode therein on the night of the Sunday next preceding such Monday, and shall also ascertain who of such persons are transient passengers, having their permanent residence elsewhere, and whether such residence is in Lower Canada or in Upper Canada, or out of this Province, (and the name, sex, age and occupation of every person usually a resident therein, but then casually absent, distinguishing such persons from others), and shall also collect and take an account of all such further information as shall be required by his instructions; and having entered such account in writing, in the form furnished him for that purpose, the Enumerator shall then, before some Justice of the Peace, make and sign a solemn declaration, (to be printed at the foot of the proper form) that he has faithfully and diligently taken the said account, and obeyed the instructions he has received touching the same, and that to the best of his belief the same is correct as far as may be known; and shall on or before the fifteenth day of February, deliver the same to the Census Commissioner under whom he acts.

IX. And be it enacted, That every Census Commissioner shall immediately on receiving the said Accounts carefully examine the same, in order to ascertain whether the instructions given to the Enumerators have been punctually complied with, and if not, he shall cause any defect or inaccuracy therein to be supplied as far as may be possible; and if any Enumerator shall not take or

deliver his account to the proper Census Commissioner within the time hereby prescribed, it shall be the duty of such Census Commissioner to cause the same to be forthwith taken and delivered to him.

X. And be it enacted, That so soon as any Census Commissioner shall have received all the Accounts of the Enumerators acting under him, and shall have examined the same, and satisfied himself that they have been made as accurate as possible, he shall sign a Certificate, to be printed on each, to that effect, and shall deliver them to the Board of Registration and Statistics; and the said Board shall examine the same, and shall cause any defects or inaccuracies they may discover therein to be corrected as far as possible, and shall then make such abstracts thereof, and compile such tables therefrom as the Governor in Council shall direct; and such abstracts and tables shall be laid before the Provincial Parliament at its then next session; such of them as the Governor in Council shall think proper being published in the meantime for the information of the public.

XI. And be it enacted, That each Enumerator in the Cities and incorporated Towns, and in such other localities as the Board of Registration and Statistics shall think proper, shall be supplied with printed Schedules for the purpose of being left by such Enumerator for the occupant of each house, or of any story, apartment or portion thereof in his District, and filled up by such occupant; and it shall be the duty of each Enumerator receiving such Schedules to leave one copy or more thereof at each house, in his Enumeration District, in the course of the week ending on the Saturday next before the Second Monday in January; and upon each such Schedule there shall be a notice that such Schedule is to be filled up and signed by the occupant of such house, or by the occupant of any distinct story, apartment or portion thereof, where the house is let in different stories, apartments or portions, and occupied distinctly by different families or persons, and that the Enumerator will call for the same on the Monday then next following; and every occupant of any house or of any distinct story, apartment or portion thereof, with or for whom any such Schedule shall be left as aforesaid, shall fill up the same to the best of his or her knowledge or belief, and sign the same, so far as relates to all persons dwelling in the house, story or apartment occupied by him or her, and shall deliver the same to the Enumerator when required by him so to do, or in his or her absence some other member of the family, if any of them be capable of so doing, shall fill up and sign and deliver the same to him; and every such occupant who shall wilfully or without lawful excuse refuse or neglect to fill up such Schedule to the best of his or her knowledge and belief, or to sign and deliver the same as aforesaid when required, or who shall wilfully make, sign, or deliver, or cause to be made, signed or delivered, any false return of all or any of the matters specified in any such Schedule, shall thereby incur a penalty of not less than Two nor more than Five Pounds.

XII. And be it enacted, That the said Enumerators shall collect the said Schedules, each in his own District, from house to house, on the Second Monday in January, or so soon as possible thereafter, and shall, on receiving the same, examine them to see that they are properly filled up and signed, and if they shall, either at that time or thereafter, believe any such Schedule to be erroneous or defective, shall forthwith proceed to complete or correct the same, for which purpose they shall have the same power to make all necessary inquiries as if no such Schedules had been made or left as aforesaid; and when they are so completed or corrected, they shall copy the information

therein contained into the Account to be by them taken as aforesaid, and shall add thereto the accounts they may have taken and the information they may have collected, of persons and things not returned in such Schedules, which they shall deliver, with their said Accounts, to the proper Census Commissioner, who shall deliver them, with his return, to the Board of Registration and Statistics.

XIII. And be it enacted, That the said Enumerators shall be and are hereby authorized to ask of all persons all questions which shall be necessary to enable them to take the accounts and obtain the information aforesaid, and which they shall be authorized to ask by any instructions to be issued by the said Board of Registration and Statistics; and shall also have free access to all Assessment Rolls and other documents containing statistical information; and any person who shall refuse or neglect to answer, or shall wilfully answer falsely any such question, shall for every such refusal or neglect incur a penalty of not less than Twenty Shillings nor more than Five Pounds in the discretion of the Magistrate before whom the same shall be sued for; and the provisions of this section shall not be limited to the time within which the said accounts are to be taken as aforesaid, but shall extend to any questions which it may at any time become requisite to ask in order to correct or supply any supposed error or defect in such Accounts.

XIV. And be it enacted, That the penalties hereinbefore imposed may be recovered in a summary manner at the suit of any Enumerator, before any one Justice of the Peace having jurisdiction in the place where the offence shall have been committed, on the oath of the Enumerator or any other credible witness, and if the penalty and the costs (which costs to be taxed by the Justice, but in no case to exceed Ten Shillings,) be not forthwith paid upon conviction, the convicting Justice may in his discretion cause the same to be levied by distress and sale of the goods and chattels of the offender by Warrant under his hand and seal, or may commit the offender to the common gaol of the place, for any period not exceeding one month, or until the penalty be paid; and one moiety of such penalty shall belong to the Crown for the public uses of the Province, and the other moiety shall belong to the prosecutor, unless he shall have been examined as a witness to prove the offence, in which case the whole shall belong to the Crown for the uses aforesaid.

XV. And be it enacted, That if any Census Commissioner or Enumerator shall wilfully disobey or contravene any of the provisions of this Act, or wilfully make any false declaration or return under the same, he shall be guilty of a misdemeanor, and shall on conviction thereof be liable to a penalty not exceeding Twenty-five Pounds nor less than Five Pounds, in the discretion of the Court before whom the conviction shall be had, and to imprisonment until such penalty be paid; and such penalty shall belong to the Crown for the public uses of the Province.

XVI. And be it enacted, that the power of appointing any Officer under this Act shall include the power of removing him and appointing another in his stead; that any letter purporting to be signed by the Secretary of the Province, and notifying the appointment or removal of any Census Commissioner, or any letter purporting to be signed by any Census Commissioner notifying the appointing or removal of any Enumerator, or conveying any instruction to him, or any letter purporting to be signed by the Secretary of the Board of Registration and Statistics conveying any instructions, shall be respectively *primâ facie* evidence of such appointment, removal or

instructions, and that such letter was addressed to the person to whom it purports to be addressed.

XVII. And be it enacted, That each of the said Census Commissioners shall receive an allowance for his services, not exceeding the rate of Twelve Shillings and Six Pence per diem for the time during which he shall be actually occupied in his official duties; and that each of the said Enumerators shall receive an allowance not exceeding the following rates, viz:

At the rate of Ten Shillings for every hundred persons by him returned when such persons reside in the Country parts; but with power to the said Board of Registration and Statistics to increase the said rate to a sum not exceeding Fifteen Shillings for every hundred persons returned, in cases where, from the dispersed situation of the houses, they shall be of opinion that such additional allowance ought to be made; and to a sum not exceeding Twenty Shillings for every fifty persons returned, in cases where the population shall not exceed three hundred persons in an area of ten miles square, proportioning such allowance as far as possible to the labor required of the Enumerator; and when such persons reside in any City or incorporated Town, then at the rate aforesaid for the first three thousand persons returned by him, and at the rate of Ten Shillings for every three hundred persons returned by him over three thousand; and the said allowance having been fixed by the said Board, shall be paid to the persons entitled thereto, in such manner as the Governor in Council shall direct: Provided that such allowance shall not in any case be payable until the services hereby required of the person receiving it shall have been faithfully and fully performed: And the said allowance and all expenses to be incurred by the said Board in carrying this Act into effect, shall be paid out of the Consolidated Revenue Fund of this Province.

XVIII. And be it enacted, That a full Report of all things done under this Act, and an Account of all moneys expended under the authority thereof, shall be laid before the Provincial Parliament within the first fifteen days of the then next Session thereof.

XIX. And be it enacted, That the word "House," in this Act, shall include all vessels, and other dwellings or places of abode of any kind.

XX. And be it enacted, That if at any time it shall appear to the Governor in Council that, from any cause, the Census cannot be taken in any County in the month of January when it ought to be taken in pursuance of this Act, it shall be lawful for His Excellency in Council, by Proclamation to be published in the Canada Gazette, to declare and ordain that the Census shall be taken in such County in some other month, being the nearest to the month in which it ought to be taken as aforesaid that circumstances and the nature of the case will admit, and thereupon, the Census may and shall be taken in such County accordingly in the same way and with the same effect as if taken in the month in which, without such Proclamation, it would be taken under this Act.