

S.C. 1870

CAP. XXI.
An Act respecting the First Census.

[Assented to 12th May 1870.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The first Census of Canada, to be taken in the year 1871 hereinafter termed "The Census," shall be so taken as to ascertain and show, with the utmost accuracy possible, in respect of each of the four Provinces, and of each of the Electoral Districts and other recognised subdivisions thereof, all statistical information which can conveniently be obtained and stated in tabular form, touching—their population and the classification thereof, as regards age, sex, social condition, religion, education, race, occupation, and otherwise, --- the houses and other buildings therein, and their classification, as dwellings, inhabited, uninhabited, under construction and otherwise, --- the occupied land therein, and the condition thereof, as town, village, country, cultivated, uncultivated, and otherwise, --- the aggregate valuation of property, real and personal therein, --- the produce, state and resources of the agricultural, fishing, lumbering, mining, mechanical, manufacturing, trading and other industries thereof, --- the municipal, educational, charitable and other institutions thereof, --- and whatever other matters may be specified in the forms and instructions to be issued, as hereinafter is provided.
2. The details of such information, the forms to be used, procedure to be followed for the obtaining thereof, and the period at which, and date or dates with reference to which, the census shall be taken, --- whether generally, or for any specified localities requiring to be exceptionally dealt with in any of these respects, ---shall be such as the Governor in Council by Proclamation shall direct; provided always, that such period for taking the Census shall not be later than the first of May
3. The Minister of Agriculture shall cause all such forms and also all instructions which he shall deem requisite in respect of the Census, to be duly prepared, printed and issued, for use by the persons to be employed in the taking thereof.
4. The Governor in Council, by Proclamation, shall divide each of the four Provinces into Census Districts, to correspond as nearly as may be with the several Electoral Districts under "The British North America Act, 1867," ---but subdividing any thereof, or adding adjacent territory to any thereof, or grouping together any thereof or any parts thereof, wherever such subdivision, addition or grouping may be deemed convenient and forming all other territory not comprised within an Electoral District, into so many and such Census Districts as may be deemed convenient.
5. The Governor in Council, by Proclamation, shall further divide every Census District into Census Sub-districts, to correspond as nearly as may be with the Municipal or other recognized division thereof, --- but subdividing, any thereof, or adding adjacent territory to any thereof, or grouping together any thereof or parts thereof, wherever such sub-division, addition or grouping may be deemed convenient, --- and forming all other territory not comprised within such Municipal or other divisions, into so many such Census Sub-districts as may be deemed convenient.

6. The Governor in Council shall appoint for each Census District, one Census Commissioner.

7. In any case where it may be deemed convenient, there may be appointed by or under authority of the Governor in Council, in such manner and with such relative powers and duties, and such share of emoluments, as shall be laid down by Order in Council, one or more Deputies for the purpose of aiding any of such Census Commissioners.

8. There shall be appointed by or under authority of the Minister of Agriculture, in such manner and subject to such rules in that behalf as shall be laid down by Order in Council, one or more Enumerators for every Census Sub-district; and in every case where more than one Enumerator is appointed, the powers and duties of such Enumerators shall be such as the instructions of the Minister of Agriculture shall assign to each, whether territorially or otherwise.

9. The Minister of Agriculture shall cause the requisite supply of forms and instructions to be duly distributed, through the several Census Commissioners, to every Enumerator.

10. Each Census Commissioner shall further see that every Enumerator under his superintendence thoroughly understands the manner in which the duties required of him are to be performed, --- and uses due diligence in the performance thereof.

11. Every Enumerator, by domiciliary visits to every house and careful personal inquiry, shall ascertain in detail, with the utmost accuracy possible, all the statistical information with which he is required to deal, and no other, --- and shall make an exact record thereof, and attest the same under oath, --- and shall see that such attested record is duly delivered to the Census Commissioner under whose superintendence he is placed; the whole, in all respects as by the forms and instructions issued to him shall be required.

12. The Census Commissioner shall examine all such records, and satisfy himself how far each Enumerator has performed the duties required of him, --- and shall note all apparent defects and inaccuracies in such records, and require the several Enumerators concerned therewith, to assist him in respect thereof, ---and with their assistance shall correct the same so far as may be found requisite and possible, noting always whether such corrections are concurred in by them or not, and shall make return, --- attested under oath, of his doings in the premises, --- and shall transmit the same, together with all the records in question, to the Minister of Agriculture; the whole in all respects as by the forms and instructions issued to him shall be required.

13. The Minister of Agriculture shall cause all such returns and records, to be examined, and any defects or inaccuracies discoverable therein to be corrected so far as possible, --- and shall obtain, so far as possible, by such ways and means as may be deemed convenient, any statistical information requisite for the due completion of the Census, which cannot be or is obtained with the required fullness and accuracy by means of such returns and records, ---and shall cause to be prepared that the same may be laid before Parliament, with all practicable despatch, abstracts and tabular statements shewing the results of the Census as fully and accurately m possible.

14. Every Census Commissioner, Enumerator, and every other person employed in the execution of this Act, --- whether for the obtaining in the first

instance of any information sought by the Census or for revising or compiling the same, or otherwise dealing therewith, or for enquiring into any matter connected with the taking of the Census, --- before entering on his duties, shall take and scribe an oath binding him to the faithful and exact discharge of such duties, in such form, before such person, and returned and recorded in such manner, as by Order in Council shall be prescribed.

15. Any such Census Commissioner, Enumerator, or other person employed in the execution of this Act, making wilful default in any matter required of him by this Act, or making any wilfully false declaration touching any such matter, shall be guilty of a misdemeanor.

16. Every person having custody or charge of any Provincial, Municipal or other public records or documents, or of any records or documents of any Corporation, from which information sought by the Census or which would aid in the completion or correction thereof, can be obtained, shall grant to any Census Commission Enumerator, or other person deputed to that end by the Minister of Agriculture, reasonable access thereto for the obtaining of such information therefrom; and every such person wilfully or without lawful excuse refusing, or neglecting so to do, and every person wilfully hindering or seeking to prevent or obstruct such access, or otherwise in any way wilfully obstructing or seeking to obstruct any person employed in the execution of this Act, shall be guilty of a misdemeanour.

17. Every person who wilfully or without lawful excuse refuses or neglects to fill up to the best of his knowledge and belief, any schedule which he shall have been required to fill up by any Enumerator or other person employed in the execution of this Act, ---or refuses or neglects to sign and deliver back or otherwise return the same when and as so required, --- or makes, signs, delivers or returns, or causes to be made, signed, delivered or returned, any false answer or statement as to any matter specified in such schedule, --- shall thereby incur a penalty of not less than ten nor more than forty dollars.

18. Every person who without lawful excuse refuses or neglects to answer, or who wilfully answers falsely, any question requisite for obtaining any information sought by the Census or pertinent thereto, which shall have been asked of him by any Enumerator or other person employed in the execution of this Act, shall for every such refusal or neglect or wilfully false answer, incur a penalty of not less than five nor more than twenty dollars.

19. The penalties hereinbefore imposed may be recovered in a summary manner at the suit of any Census Commissioner, Enumerator, or other person employed in the execution of this Act, before any one Justice of the Peace having jurisdiction in the place where the offence has been committed, on the oath of the prosecutor or of one credible witness; and one moiety thereof shall belong to the Crown for the public uses of the Dominion, and the other moiety to the prosecutor, unless he has been examined as a witness to prove the offence, in which case the whole shall belong to the Crown for the uses aforesaid.

20. Whenever the Minister of Agriculture deems it convenient, he may by special letter of instruction direct any Census Commissioner or other person employed in the execution of this Act, to make enquiry under oath, as to any matter or matters connected with the taking of the Census, or the ascertaining or correcting. of any supposed defect or inaccuracy the rein; and such Census Commissioner or other person shall then have the same power as is vested in any Court of law in civil cases, of summoning any party or witnesses, of enforcing their attendance, and of requiring and compelling them to give evidence on oath,

whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter or matters.

21. Any letter purporting to be signed by the Minister of Agriculture, or by his Deputy, or by any other person thereto authorised under Order in Council, and notifying any appointment or removal of, or setting forth any instructions to, any person employed in the execution of this Act, --- and any letter signed by any Census Commissioner, or other person thereto duly authorised, notifying any appointment or removal of, or setting forth any instructions to, any person so employed under the superintendence of the signer thereof, --- shall be, respectively, prima facie evidence of such appointment, removal, or instructions, and that such letter was signed and addressed as it purports to be.

22. Any document or paper, written or printed, purporting to be a form authorised for use in the taking of the Census, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form, or as setting forth such instructions, shall be presumed to have been supplied by the proper authority, to the person so producing the same, and shall be prima facie evidence of all instructions therein set forth.

23. The leaving, by any Enumerator, at any house or part of a house, of any schedule purporting to be issued under this Act, and having thereon a notice requiring that the same be filled up and signed within a stated delay by the occupant thereof, or in his absence by some other member of the family, shall be a sufficient requirement as against such occupant, though not named in such notice, nor personally served therewith, so to fill up and sign such schedule.

24. The Minister of Agriculture shall cause to be prepared one or more tables, setting forth the rates of allowances or remunerations for the several Census Commissioners and Enumerators employed in the execution of this Act, not, however, to exceed, in the aggregate, a total amount of three dollars for each day of proved effective service for any Enumerator, or of four dollars for each day of service for any Census Commissioner; and the same, when approved by Order in Council, shall be laid before Parliament, on or before the first day of March 1871, if Parliament be sitting, or if Parliament be not sitting, then within the first fifteen days of the Session next ensuing.

25. Such allowances or remuneration shall be paid to the several persons entitled thereto, in such manner as the Governor in Council shall direct; but shall not be payable, until the services required of the person receiving the same have faithfully and entirely performed.

26. Such allowances and remuneration, and all expenses to be incurred in carrying this Act into effect, shall be paid out of such moneys as shall be provided by Parliament for that purpose.

27. 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 Parliament within the first fifteen days of the next Session thereof, and of each Session thereafter, until such time as all things requiring to be done under this Act shall have been fully completed.

28. The word "house" in this Act includes all ships, vessels, and other dwellings or places of abode of any kind.

29. Nothing in “The Canada Civil Service Act, 1868,” contained, shall be held applicable to any appointment, employment, or service, under this Act.

30. The first twenty-four Sections of the Act, Chapter thirty-three of the Consolidated Statutes of the late Province of Canada, so much of Chapter thirty-five of the Revised Statutes of Nova Scotia as relates to the taking of a Census, and all other Acts and parts of Acts in force in any of the Provinces relative to a Census, are hereby repealed.

31. This Act may be cited as “the Census Act”; and all things lawfully done or required to be done, by or under authority of any Proclamation, Order in Council, or Instruction by this Act provided for or contemplated, shall be held to be done or required, and may be set forth as done or required, under authority of this Act.
