

S.C. 1885

CHAPTER 3.

**An Act to provide for the taking of a Census in the Province of
Manitoba, the North-West Territories and the District of
Keewatin.**

[Assented to 1st May, 1885.]

WHEREAS it is expedient to provide for the taking of a census in the Province of Manitoba, the North-West Territories and the District of Keewatin: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. In this Act, unless the context otherwise requires
 - (a) The expression "house" includes all ships, vessels, dwellings or places of abode of any kind;
 - (b.) The expression "Minister" means the Minister of Agriculture.
2. A census shall be taken in the Province of Manitoba, the North-West Territories and the District of Keewatin, or in such parts of the said Province, Territories and District as the Governor in Council directs, in the year one thousand eight hundred and eighty-five and before the first day of August, in the year one thousand eight hundred and eighty-six
3. The details of information, the forms to be used, and procedure to be followed for the obtaining thereof, and the period at which, and the 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, directs.
4. The census shall be so taken as to ascertain, with the utmost possible accuracy, in regard to the various territorial divisions of the country, -- 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 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 whatsoever other matters are specified in the forms and instructions to be issued, as is hereinafter provided.

5. The Minister shall cause all forms, and also all instructions which he deems requisite in respect of the census, to be duly prepared, printed and issued, for use by the persons employed in the taking thereof.

6. The Governor in Council, by proclamation, shall divide the Province of Manitoba, the North-West Territories and the District of Keewatin, or the parts of the said Province, Territories and District, in which the census is directed to be taken as hereinbefore provided, into census districts, and each census district into sub-districts; but the said District of Keewatin may, if the proclamation so prescribes, constitute one census district.

7. The Governor in Council shall appoint census officers, census commissioners, and other employees who are necessary for the taking of the census, with such relative powers and duties as are laid down for the census by the Governor in Council.

8. There shall be appointed, by or under the authority of the Minister, in such manner and subject to such rules in that behalf as are laid down by the Governor in Council, one or more enumerators for each census sub-district; and whenever more enumerators than one are appointed, the powers and duties of such enumerators shall be such as the Minister assigns to each, whether territorially or otherwise.

9. The census officers and commissioners shall be entrusted, under direction and instruction of the Minister, with the superintendence of the work assigned to the enumerators, and shall see that all those under their superintendence thoroughly understand the manner in which the duties required of them are to be performed, and use due diligence in the performance thereof.

10. Every enumerator, by visiting every house and by careful personal inquiry, shall ascertain, in detail, with the utmost possible accuracy, 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 is required.

11. 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 is 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 -- the whole, in all respects, as by the forms and instructions issued to him is required.

12. The Minister 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 are deemed convenient, any statistical information requisite for the due completion of the census, which cannot be or is not obtained with the required fullness and accuracy by means of such returns and records, and shall cause to be prepared, with all practicable despatch, abstracts and tabular statements showing the results of the census as fully and accurately as possible.

13. Every officer, census commissioner, enumerator, and other person employed in carrying this Act into effect, before entering on his duties, shall take and subscribe an oath binding him to the faithful and exact discharge of such duties, which oath shall be in such form, taken before such person, and returned and recorded in such manner, as the Governor in Council prescribes.

14. Every officer, census commissioner, enumerator or other person employed in carrying this Act into effect, who makes wilful default in any matter required of him by this Act, or wilfully makes any false declaration touching any such matter, is guilty of a misdemeanor.

15. Every person who has the custody or charge of any municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the census can be obtained, or which would aid in the completion or correction thereof, shall grant to any census officer, commissioner, enumerator or other person deputed for that purpose by the Minister, reasonable access thereto for the obtaining of such information therefrom; and every such person who wilfully or without lawful excuse refuses or neglects to grant such access, and every person who wilfully hinders or seeks to prevent or obstruct such access, or otherwise in any way wilfully obstructs or seeks to obstruct any person employed in carrying this Act into effect, is guilty of a misdemeanor.

16. Every person who wilfully, or without lawful excuse refuses or neglects to fill up, to the best of his knowledge and belief, any form which he has been required to fill up by any enumerator or other person employed in carrying this Act into effect, or refuses or neglects to sign and deliver up or otherwise return the same when and as required, or makes, signs, delivers or returns, or causes to be made, signed, delivered or returned, any wilfully false answer or statement as to any matter specified in such form, -- shall, for each offence, incur a penalty not exceeding forty dollars and not less than one dollar.

17. Every person who, without lawful excuse, refuses or neglects to answer, or who wilfully answers falsely, any question requisite for obtaining any information sought in respect of the census or pertinent thereto, which has been asked of him by any enumerator or other person employed in carrying this Act into effect, shall, for every such refusal or neglect or wilfully false answer, incur a penalty not exceeding twenty dollars and not less than five dollars.

18. The penalties hereinbefore imposed may be recovered in a summary manner at the suit of any officer, census commissioner, enumerator or other person employed in carrying this Act into effect, before any 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 a moiety thereof shall belong to the Crown for the public uses of Canada, 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.

19. Whenever the Minister deems it convenient, he may, by special letter of instruction, direct any officer, census commissioner or other

person employed in carrying this Act into effect, to make inquiry under oath, as to any matter connected with the taking of the census, or the ascertaining or correction of any supposed defect or inaccuracy therein; and such officer, census commissioner or other person shall then have the same power as is vested in any court of justice, of summoning any person, of enforcing his attendance, and of requiring and compelling him to give evidence on oath, either orally or in writing, and to produce such documents and things as such officer, census commissioner or other person deems requisite to the full investigation of such matter or matters.

20. Any letter purporting to be signed by the Minister, or by the deputy of the Minister of Agriculture, or by any other Person thereunto authorized by the Governor in Council and notifying any appointment or removal of, or setting forth any instructions to any person employed in carrying this Act into effect, -- and any letter signed by any officer, census commissioner or other person thereunto duly authorized, 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 signed and addressed as it purports to be.

21. Any document or paper, written or printed, purporting to be a form authorized for use in the taking of the census, or to set forth any instruction relative thereto, which is produced by any person employed in carrying this Act into effect, 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.

22. The leaving, by an enumerator, at any house or part of a house, of any form 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 of such house or part of a house, or, in his absence, by some other member of the family, shall, as against such occupant, be a sufficient requirement so to fill up and sign such form, though such occupant is not named in such notice, or personally served therewith.

23. The Minister shall cause to be prepared one, or more tables, setting forth the rates of allowances or remuneration for the several census commissioners and enumerators employed in carrying this Act into effect, which rates shall not exceed, in the aggregate, such amount

for each day of proved effective service for any enumerator and for each day of service for any census commissioner, as the Governor in Council directs, and such tables shall be laid before Parliament within the first fifteen days of the session then next ensuing, provided, that in the settled parts of Manitoba the said rates of allowance or remuneration shall not exceed those paid in the last decennial census.

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

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

26. Appointments, employments or service under this Act shall not be subject to the statutory requirements affecting the Civil Service.

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 by the Minister within the first fifteen days of the then next session thereof, and of each session thereafter, until such time as all things required to be done under this Act have been fully completed.
