

CHAPTER 58.

An Act respecting the Census.

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

1. This Act may be cited as “ *The Census Act.* “
42 V., c.21, s.40.
2. In this Act, unless the context otherwise requires, the expression “ house “ includes all ships, vessels, dwellings or places of abode of any kind.
42 V., c. 21, s.26.
3. A census shall be taken in the year one thousand eight hundred and ninety-one, and in every tenth year thereafter, at the beginning of the year one thousand eight hundred and ninety-one, and at the beginning of every tenth year thereafter, respectively.
42 V., c. 21, s. 1.
4. 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.
42 V., c. 21, s. 2.
5. Each 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.
42 V., c. 21, s. 3.

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

42 V., c. 21, s. 4.

7. The Governor in Council, by proclamation, shall divide the country into census districts, and each census district into sub-districts, to correspond respectively, as nearly as may be, with the electoral divisions and sub-divisions for the time being and in territories not so defined or so situated as to admit of adhering to circumscriptions already established, into special divisions and sub-divisions for the purpose of the census.

42 V., c. 21, s 5.

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

42 V., c. 21, s. 6.

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

42 V., c. 21, s. 7.

10. The census officers and commissioners shall be intrusted, under direction and instruction of the Minister of Agriculture, 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.

42 V., c. 21, s. 8.

11. 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.

42 V., c. 21, s. 9.

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

42 V., c. 21, s. 10.

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, by such ways and means as are deemed convenient, and 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.

42 V., c. 21, s. 11.

14. Every officer, census commissioner, enumerator, and other person employed in the execution of the Act, 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.

42 V., c. 21, s. 12.

15. Every officer, census commissioner, enumerator or other person employed in the execution of this Act, 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.

42 V., c. 21, s. 13.

16. Every person who has the 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 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 of Agriculture, 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 the execution of this Act, is guilty of a misdemeanor.
42 V., c. 21, s. 14.

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 has 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 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 schedule, -- shall incur a penalty not exceeding forty dollars and not less than one dollar.
42 V., c. 21, s 15.

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 in respect of the census or pertinent thereto, which has 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 not exceeding twenty dollars and not less than five dollars.
42 V., c. 21, s 16.

19. 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 the execution of this Act, 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.
42 V., c. 21, s 17.

20. Whenever the Minister of Agriculture deems it convenient, he may, by special letter of instruction, direct any officer, census commissioner or other person employed in the execution of this Act, 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, whether 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.

42 V., c. 21, s. 18.

21. Any letter purporting to be signed by the Minister of Agriculture, 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 the execution of this Act, -- 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 hereof, -- 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.

42 V., c. 21, s. 19.

22. 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 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.

42 V., c. 21, s. 20.

23. The leaving, by an 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 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 schedule, though such occupant is not named in such notice, or personally served therewith.

42V., c.21, s.21.

24. The Minister of Agriculture 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 the execution of this Act, -- which rates shall not 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 like service for any census commissioner; and the same, when approved by the Governor in Council, shall be laid before Parliament within the first fifteen days of the session then next ensuing.

42 V., c. 21, s. 22.

25. 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.

42 V., c. 21, s. 23.

26. 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.

42 V., c. 21, s. 24.

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

42 V., c. 21, s. 27.

28. 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 of Agriculture 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 in each decennial period have been fully completed.

42V.,c.21,s.25.
