

S.C. 1905

4-5 EDWARD VII.

CHAP. 5.

An Act respecting the Census and Statistics.

[Assented to 16th May, 1905.]

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

SHORT TITLE.

1. This Act may be cited as *The Census and Statistics Act*.

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the word "Minister" means the Minister of Agriculture, and the word "office" means the Census and Statistics Office.

PART 1 --- ORGANIZATION.

3. There shall be a permanent office under the Minister of Agriculture, to be called the Census and Statistics Office, and the Governor in Council may appoint thereto a chief officer, a secretary, and such other officers, clerks and employees as are necessary for the proper conduct of the office, whose duties under the direction of the Minister shall be to carry out the provisions of this Act and such other duties as are assigned to them by the Governor in Council.

2. The Governor in Council may also appoint such census officers, census commissioners and other employees as 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.
R.S., c. 58, s. 8.

4. 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 Order in Council, one or more enumerators for every census subdistrict, and whenever two or more enumerators are appointed for a subdistrict the powers and duties of such enumerators shall be such as the Minister assigns to each whether territorially or otherwise; and in remote or sparsely settled parts of the country, the Minister may appoint one or more assistants for each enumerator.

R.S., c. 58, s. 9.

(2). The Minister may also employ from time to time such agents or persons as are necessary to collect for the office statistics and information relating to such industries and affairs of the country as he deems useful and in the public interest, and the duties of such agents or persons shall be such as the Minister determines.

(3). The Minister may also, with the approval of the Governor in Council, appoint temporary clerks or employees for an indefinite period, the term of whose service shall cease and determine upon notice given to them by the Minister when such portion of the statistical labours for which they were so engaged and for which they were employed is terminated.

R.S., c. 59, s. 8.

5. It shall be the duty of the chief officer and the secretary of the office, under the direction of the Minister, (1) to organize a clerical working staff for the inside service of the office, (2) to prepare all forms and instructions requisite for the work and business of the office, (3) to prepare one or more tables setting forth the rates, of remuneration or allowance per day, by fee or otherwise, for the several commissioners, enumerators, agents and other persons employed in the outside service of the office in the execution of this Act, (4) to make ready the requisite sheets for compiling the returns of enumerators, agents and other persons into statistical tables for publication, and (5) generally to supervise and control all the work of the office in its inside and outside services.

6. The Minister shall make and prescribe all rules, regulations, instructions and forms which he deems requisite for the work and business of the office and such forms, rules, regulations and instructions, and any such tables of rates of remuneration or allowance, as aforesaid, when assented to by the Governor in Council and published in *The Canada Gazette*, shall have the force of law.

R.S., c. 58, s. 6, c. 59, s. 1.

7. The details of information, and procedure to be followed for the obtaining thereof, the forms to be used, and the period at which, and the

dates with reference to which, the census shall be taken or statistics and information collected, whether generally or for any specified localities requiring to be exceptionally dealt with in any of these respects, shall, subject to the provisions of this Act, be such as the Governor in Council by proclamation directs.

R.S., c. 58, s. 4.

PART II. -- CENSUS.

8. A census of Canada shall be taken by the office, under the direction of the Minister, on a date in the month of June, in the year one thousand nine hundred and eleven, to be fixed by the Governor in Council, and every tenth year thereafter.

R.S., c. 58, s. 3.

(2). A census of the population and agriculture of the province of Manitoba, and of the provisional districts of Alberta, Assiniboia and Saskatchewan in the Northwest Territories, shall be taken by the office, under the direction of the Minister, according to special forms and instructions to be approved by the Minister, on a date in the month of June, in the year one thousand nine hundred and six, to be fixed by the Governor in Council, and every tenth year thereafter.

9. The Governor in Council, by proclamation, shall divide the country, into census districts, and each census district into subdistricts, to correspond respectively, as nearly as may be, with the electoral divisions and subdivisions 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 subdivisions for the purpose of the census.

R.S., c. 58, s. 7.

10. Each general census, commencing with the year one thousand nine hundred and eleven, shall be so taken as to ascertain with the utmost possible accuracy, for the various territorial divisions of Canada, (1) their population and the classification thereof, as regards name, age, sex, colour, social condition, nationality, race, education, religion, occupation and otherwise, together with a record of all persons deceased within the census Year, (2) the houses for habitation, stores, warehouses, factories and other buildings therein, and their classification as occupied or vacant, under construction and otherwise, (3) the occupied land therein, and its value, and the condition thereof as improved for cultivation, in fallow, in forest, unbroken prairie, marsh or wasteland and otherwise, (4) the products of factories, firms, fisheries,

forests and mines therein, and other industries, with the values of all the said products and of the plant and real estate employed in the said industries, within the census year, (5) the wage-earnings of the people thereof within the census year, (6) the municipal, educational, charitable, penal and other institutions thereof, and (7) whatsoever other matters are specified in the forms and instructions to be issued, as this Act provides.

R.S., c. 58, s. 5.

11. The census officers and commissioners shall be intrusted, 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.

R.S., c. 58, s. 10.

12. 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.

R.S., c. 58, s. 11.

13. The census commissioner of each district 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.

R.S., c. 58, s. 12.

14. 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 fulness 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.

R.S., c. 58, 13.

PART III --- GENERAL STATISTICS.

15. Subject to the approval of the Governor in Council, and under direction of the Minister, the office shall collect, abstract and tabulate agricultural, commercial, criminal, educational, manufacturing, vital and other statistics and information from time to time in the intercensal years of each decade, in such ways and manner as are found most practicable, and so often as it seems to the Minister that, the statistics and information collected and compiled are of sufficient value and authenticity to render their publication advantageous, he shall cause them to be published in such form and mode as the Governor in Council prescribes: Provided that the Governor in Council shall not, nor shall the Minister, in the execution of the powers conferred by this section, discriminate between individuals or companies to the prejudice of any such individual or company.

R.S., c. 59, s. 1, 2.

16. Whenever in any province or territory any system is established or any plan exists for collecting agricultural, commercial, criminal, educational, manufacturing, vital or other statistics, the Minister may, under authority of the Governor in Council, arrange with the Lieutenant Governor in Council of such province or territory, or with the organization possessed of such system or plan, for the collection and transmission of such information as is required by schedules prepared by the office under direction of the Minister and approved by the Governor in Council for the procuring of such statistics.

R.S., c. 59, s. 4.

17. The Minister may, in collecting statistics in the manner provided by this part, call upon any and all public officers to furnish to him copies of papers and documents and such information as lie respectively in the power of such officers to furnish, with or without compensation for so doing, as is regulated from time to time by the Governor in Council.

R.S., c. 59, s. 5.

18. The Minister may direct the office to abstract and tabulate in a concise form such information on various subjects susceptible of being

represented by figures as is contained in departmental or other public reports and documents.

R.S., c. 59, s. 6.

19. The Governor in Council may authorize the Minister to cause special statistical investigations, as regards subjects localities or otherwise, to be made by the office in the manner and by the means prescribed in such authorization of the Governor in Council.

R.S., c. 59, s. 7.

20. The Minister shall cause all statistical information obtained in the office under the provisions of this part to be examined, and any omissions, defects or inaccuracies discovered therein shall be supplemented and corrected as far as practicable.

R.S., C. 59, s. 8.

PART IV. --- CRIMINAL STATISTICS.

21. The clerk, or if there is no clerk, the judge or other officer presiding over every court or tribunal administering criminal Justice, shall, before the end of October, in each year, fill up and transmit to the Minister, for the year ending the thirtieth day of September preceding, such schedules as he receives from time to time from the Minister relating to the criminal business transacted in such court or tribunal.

R.S., c. 60, s. 1, 2.

22. The warden of every penitentiary and reformatory and the sheriff of every county and district shall, before the end of October in each year, fill up and transmit to the Minister, for the year ending the thirtieth day of September preceding, such schedules as he receives from time to time from the Minister relating to the prisoners committed to the penitentiary, reformatory or jail.

R.S., c. 60, s. 2.

23. Every person required to transmit any such schedules shall, from day to day, make and keep entries and records of the particulars to be comprised in such schedules.

R. S., c. 60, s. 3.

24. Every officer required to transmit to the Minister of Finance true copies of returns made by justices of the peace shall, before the end of October in each year, transmit to the Minister true copies of all such returns for the year ending the thirtieth day of September next preceding.

R.S., c. 60, s. 5.

25. The Secretary of State shall, before the end of October in each year, cause to be filled up and transmitted to the Minister such schedules for the year ending the thirtieth day of September next preceding, relative to the cases in which the prerogative of mercy has been exercised, as he from time to time receives from the Minister.

R.S., c. 60, s. 9.

26. All schedules transmitted under this part shall be according to forms from time to time approved by the Governor in Council and published in *The Canada Gazette*.

R.S., c. 60, s. 10.

27. The statistics collected by the Minister under this part shall be abstracted, registered and tabulated by the office under his direction, and the results thereof shall be printed and published in an annual report to Parliament.

R.S., c. 60, s. 11.

28. In case the subject of criminal statistics is transferred, by the Governor in Council, from the Minister of Agriculture to any other Minister, the latter shall be substituted for and have all the powers and perform all the duties of the Minister of Agriculture as defined and provided by this part.

R.S., c. 60, s. 2.

29. This part shall remain in force and effect until it is declared to be no longer in force by a proclamation of the Governor in Council, stating that provision has been made for the collection of criminal statistics in accordance with the requirements of Part III of this Act; and from and after the issue of such proclamation, this part shall cease to have force and effect.

R.S., c. 60, s. 12.

PART V. --- GENERAL PROVISIONS.

30. Every officer, census commissioner, enumerator, agent and other person employed in the execution of this Act, before entering on his duties, shall take and subscribe an oath binding him to the faithful and exact discharge of such duties and to the secrecy of statistics and information collected for the office, -- which oath shall be in such form, taken before such person, and returned and recorded in such manner, as the Governor in Council prescribes.

R.S., c. 58. s. 14.

31. Every officer, census commissioner, enumerator, agent 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 an indictable offence.

R.S., c. 58. s. 15.

32. Every officer, census commissioner, enumerator, agent or other person employed in the execution of this Act, who, in the pretended performance of his duties thereunder, obtains or seeks to obtain information which he is not by or under this Act duly authorized to obtain, is guilty of an indictable offence.

33. 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 objects of this Act can be obtained, or which would aid in the completion or correction thereof, shall grant to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Minister, 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 an indictable offence.

R.S., c. 58, s. 16.

34. 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 one hundred dollars and not less than ten dollars.

R.S., c. 58, s. 17.

35. 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 objects of this Act, 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 fifty dollars and not less than five dollars.

R.S., c. 58, s. 18.

36. Every person who otherwise, without lawful excuse, refuses or neglects to furnish information required of him under this Act, or wilfully gives false information or practises any deception thereunder, shall incur a penalty not exceeding one hundred dollars and not less than ten dollars.

37. 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, and may be imposed and recovered as often as an offence is committed until all requirements of this Act have been fully complied with to the satisfaction of the Minister; 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.

R.S., c. 58, s. 19.

38. Whenever the Minister 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 collection of statistics or other information, 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.

R.S., c. 58, s. 20.

39. Any letter purporting to be signed by the Minister, or his deputy, 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 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.

R.S., c. 58, s. 21.

40. Any document or paper; written or printed, purporting to be a form authorized for use in the taking of the census, or the collection of statistics or other information, 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 it, and shall be *prima facie* evidence of all instructions therein set forth.

R.S., c. 58, s. 22.

41. 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 it be filled up and signed within a stated time 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 the occupant, be a sufficient requirement so to fill up and sign the schedule, though the occupant is not named in the notice, or personally served therewith.

R.S., c. 58, s. 23.

2. The leaving by an enumerator or agent at the office or other place of business of any person or firm, or of any body corporate or politic, or the delivery by registered letter to any person, firm or body corporate or politic, or his or its agent, of any such schedule, having thereon a notice requiring that it be filled up and signed within a stated delay, shall as against the person, or the firm and the members thereof and each of them, or the body corporate or politic, be a sufficient requirement to fill up and sign the schedule, and if so required in the notice, to mail the schedule within a stated time to the Census and Statistics Office; and all the provisions of sections 35 and 36 of this Act relating to offences and penalties shall apply to this section.

42. The Minister shall, subject to the approval of the Governor in Council, cause to be prepared one or more tables, setting forth the rates of remuneration or allowances for the several census commissioners, enumerators, agents and other persons employed in the execution of this Act, -- which may be a fixed sum, a rate per diem, or a scale of fees, together with allowances for expenses.

R.S., c. 58, s. 24.

43. Such remuneration or allowances 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 it have been faithfully and entirely performed.

(2). Such remuneration or allowances, 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.

R. S., c. 58, s. 25, 26.

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

R.S., c. 58, s. 27.

45. The following chapters of the Revised Statutes are repealed: chapter 58, *The Census Act*; chapter 59, *An Act respecting Statistics*; and chapter 60, *An Act respecting Criminal Statistics*.
