

CHAP. 21.

An Act Respecting Census and Statistics

[Assented to 15th May, 1879.]

WHEREAS it is expedient to establish and permanently to organize the taking of the census and the collection and publication of statistics: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. A Census shall be taken in the year 1881, and then in every tenth year thereafter, at the beginning of the year 1881 and at the beginning of every tenth year thereafter.
2. 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, shall. direct.
3. 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 whatever other matters may be specified in the forms and instructions to be issued, as hereinafter is provided.
4. The Minister of Agriculture shall cause all forms, and also all instructions which he shall deem requisite in respect of each census to be duly prepared, printed and issued, for use by the persons to be employed in the taking thereof.
5. 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.

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

7. 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 subdistrict; 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.

8. The census officers and commissioners shall be entrusted, under direction and instruction of the Minister of Agriculture, with superintending the work done by 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.

9. Every enumerator, by domiciliary visits to every house and careful personal enquiry, 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.

10. 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.

11. 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 not 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 as possible.

12. Every officer, census commissioner, enumerator, and 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 subscribe 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.

13. Any officer, 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 misdemeanour.

14. 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 officer, commissioner, 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.

15. 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 wilfully false answer or statement as to any matter specified in such schedule, shall thereby incur a penalty of not less than one nor more than forty dollars.

16. 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.

17. 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 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.

18. 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 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 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 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.

19. Any letter purporting to be signed by the Minister of Agriculture, or by his Deputy, or by any other person thereto authorized 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 officer, census commissioner, or other person thereto 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.

20. 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.

21. 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 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.

22. 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, 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 like service for any census commissioner; and the same, when approved by Order in Council, shall be laid before Parliament within the first fifteen days of the Session next ensuing.

23. 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 been faithfully and entirely performed.

24. 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.

25. 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.

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

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

STATISTICS.

28. The Minister of Agriculture shall, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear necessary and expedient for the purpose of collecting, abstracting, tabulating and publishing vital, agricultural, commercial, criminal and other statistics; and such rules, regulations and forms, when assented to by the Governor in Council, and published in the *Canada Gazette*, shall have the force of law so long as they are not repealed or superseded; and any printed copy thereof published by the Queen's Printer shall be evidence thereof.

29. It shall be the duty of the Minister of Agriculture when, and so soon as the said rules, regulations and forms have been assented to and published in the *Canada Gazette*, as prescribed in section twenty-eight of this Act, and the arrangements contemplated by section thirty-one of this Act have been consummated. to proceed to collect the said vital, agricultural, commercial. criminal and other statistics, in such ways and manner as may be found most practicable, and thereafter, when and so often as it may seem to the said Minister that the statistics collected are of sufficient value and authenticity to render their publication advantageous, to cause the same to be published in such form and mode as the Governor General in Council may prescribe.

30. The Governor in Council may, on the Minister of Agriculture certifying to the ascertained competency of the persons to be appointed, from time to time, appoint such officers, clerks and other employees as may be necessary for the purposes of this Act; and such officers, clerks and employees shall hold office during pleasure. The Governor may also appoint, at any time temporary clerks or employees for an indefinite period, -- the term of service of such temporary employees to cease and determine at the notice given to them by the Minister of Agriculture, when such portion of the statistical labours for

which they were so engaged, and to which they had been employed, is terminated.

31. Whenever, in any Province or territory, any system is, established or any means exist of collecting vital, agricultural, commercial, criminal or other statistics, Minister of Agriculture may be authorized by the Governor in Council to arrange with the Government of such Province or territory, or with the organization so possessed of such system, for the collection and transmission of such information as may be required by schedules prepared by the Minister of Agriculture, and approved by the Governor in Council for the procuring of such vital, agricultural, commercial, criminal and other statistics.

32. The Minister of Agriculture may, in collecting statistics, as and in the manner provided by this Act, 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 may be regulated from time to time by order or orders of the Governor in Council.

33. The Minister of Agriculture may cause to be abstracted and tabulated in a concise form, for easy reference, such information on various subjects susceptible of being represented by figures, as may be contained in the Departmental or other public reports and documents.

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

35. The Minister of Agriculture shall cause all statistical information obtained to be examined, and any omissions, defects or inaccuracies discoverable therein, to be supplemented and corrected as far as practicable.

36. Any false information wilfully given, and any deception practiced in furnishing information provided for by this Act, shall be an offence against this Act; and the person so offending shall, on conviction of such offence, forfeit and pay a sum not exceeding one hundred dollars.

37. The Minister of Agriculture shall insert in his annual report, reports of the proceedings under this Act, including copies of the rules and regulations made under section twenty-eight thereof. The Minister of Agriculture shall cause the information collected in virtue of this Act,

and under rules and regulations hereinbefore provided, to be compiled and tabulated, and the abstracts then made to be published at as early a date after the reception of the information as the nature and magnitude of the work and the force of the staff provided for it may allow. The Minister of Agriculture may also cause to be added to such returns, such proportions, ratios and other statistical deductions as may be drawn from the information obtained in virtue of this Act.

38. The respective salaries of officers, clerks and other employees, who may be appointed in virtue of this Act, the fees or compensations to be paid for obtaining information as provided by sections thirty-one and thirty-two of this Act, and the office and other contingent expenses necessary for the purposes of this Act, shall be fixed by the Governor in Council, to be paid out of any moneys which may be provided by Parliament for that purpose.

39. The Act thirty-third Victoria, chapter twenty-one, intituled "*An Act respecting the first Census,*" as amended by the Act thirty-fourth Victoria, chapter eighteen, intituled "*An Act to amend the Census Act,*" and the thirty-ninth Victoria, chapter thirteen, intituled "*An Act to make provision for the Collection and Registration of the Criminal Statistics of Canada,*" are hereby repealed; provided always, that the last-mentioned Act, thirty-ninth Victoria, chapter thirteen, shall remain in force and effect until the same is declared to be no longer in force by a Proclamation of the Governor stating that provision has been made for the collection of criminal statistics, in accordance with the requirements of this Act.

10. When citing this Act it shall be sufficient to call it "*The Census and Statistics Act.*"
