

No. XXVI.

CENSUS (1841). An Act for ascertaining the Number of the Inhabitants of the Colony of New South Wales in the Year One thousand eight hundred and forty-one. [23rd October, 1840.]

Preamble.

Justices to cause notices to be fixed in conspicuous places calling on householders &c. to give the information required by this Act.

WHEREAS it is expedient that provision should be made for ascertaining the number of inhabitants within the Colony of New South Wales as well those who are free as those who are serving under sentence of transportation. Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That on or before the first day of February in the year one thousand eight hundred and forty-one the Police Magistrates for the several and respective Police Districts the boundaries whereof are set forth in a certain Government Notice published by order of His Excellency the Governor in the *New South Wales Government Gazette* and bearing date the twelfth day of August one thousand eight hundred and forty and in any such Police District where there is no Police Magistrate the Justices of the Peace assembled in Petty Sessions at the chief place within the same and the several and respective Commissioners of Crown Lands in places beyond the boundaries allotted for location in their respective districts shall and they are hereby required and directed to cause general notices to be affixed on the several churches chapels market houses and court houses and on such other conspicuous places as they shall deem proper within the said Colony requiring every householder employer of servants and proprietor or occupier of land therein to be prepared upon the second day of March next ensuing or on the days immediately subsequent thereto to give all such information as is required by the Schedule hereunto annexed marked A to such persons as shall be appointed in manner hereinafter mentioned to collect the same.

Justices to appoint persons to collect the information hereby required.

2. And be it enacted That the said Police Magistrates Justices in Petty Sessions and Commissioners shall on or before the fifteenth day of February next appoint one or more fit and proper person or persons for each district to collect the information hereby required and the said person shall on the said second day of March next and on the days immediately subsequent thereto if one day shall not be sufficient proceed to take an account in writing of the number of persons at that time being within the limits of their respective districts and inform themselves of the several particulars specified in

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in the said Schedule distinguishing the county or reputed county as well as the parish in the County of Cumberland and town or reputed town in which each such person shall be or reside and the district if beyond the boundaries prescribed for location to settlers and the better to enable such persons to take such accounts they are hereby authorized and empowered to ask such questions of the persons residing or being within their respective districts concerning themselves and the number quality class age and trade or calling of the persons constituting their respective families and all such other particulars as shall be necessary to fill up the said Schedule and every such person refusing or neglecting to answer or wilfully giving a false answer to any such question shall for every such refusal or neglect or false answer forfeit and pay a sum not exceeding five pounds nor less than forty shillings at the discretion of the Justice or Justices before whom complaint thereof shall be made.

3. And be it enacted That the persons so to be appointed as aforesaid shall within fourteen days after the said second day of March next deposit with the respective Police Magistrates Justices in Petty Sessions and Commissioners as aforesaid the several original accounts so taken in writing and subscribed by them and shall make affidavit to the same in the form contained in the Schedule hereunto annexed marked B before the said Police Magistrates Justices or Commissioners who are hereby authorized to take such affidavit and shall answer all such questions as shall be put to them concerning such accounts by the said Police Magistrates Justices or Commissioners and if any such person shall fail or neglect to take such accounts or shall knowingly make any false statement therein or shall omit to deposit the same in manner hereby required or shall refuse to answer or wilfully give a false answer to any such question he shall on conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than forty shillings.

4. And be it enacted That the said Police Magistrates Justices to examine in Petty Sessions and Commissioners shall as soon after the receipt of such original accounts as may be appoint a convenient day for examining the same at which the persons so appointed as aforesaid shall attend to answer all such questions as shall be put to them touching such accounts and the correctness thereof and such Police Magistrates Justices and Commissioners respectively shall make a note of any apparent error therein and shall cause an abstract of such accounts to be made according to the form contained in the Schedule hereunto annexed marked C and shall subscribe a certificate in the terms therein set forth and if the district for which such Police Magistrates or Justices shall act shall comprise more than one county or parish in the County of Cumberland or any town or reputed town such Police Magistrates or Justices shall transmit a separate abstract in the form before mentioned of the persons residing or being in each such county or parish in the County of Cumberland or town or reputed town and shall subscribe the same in manner aforesaid and such Police Magistrates Justices and Commissioners respectively shall on or before the first day of June next transmit to the Colonial Secretary of New South Wales the said abstracts together with the said original accounts and the notes of apparent error if any as aforesaid and if any Police Magistrate Justice or Commissioner shall fail or neglect to perform the duties required in the premises or any of them he shall forfeit and pay the sum of fifty pounds to be sued for and recovered in the Supreme Court.

5. And whereas in the District of Port Phillip the boundaries of the Counties or reputed Counties of Bourke Grant and Normanby have not yet been definitively arranged and proclaimed Be it enacted

That

As to District of
Port Phillip.

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That it shall be lawful for His Honor the Superintendent of the District of Port Phillip for the purposes of this Act to define the boundaries of the same and the Police Magistrates of Melbourne Geelong and Portland shall perform the several duties and have the like powers and immunities under this Act within the said counties or reputed counties respectively as are hereby imposed on and granted to the Police Magistrates of the police districts the boundaries whereof have been notified as aforesaid and the Commissioners of Crown Lands in the said District of Port Phillip shall in parts thereof other than the said counties or reputed counties perform the duties and have the like powers and immunities in their respective districts as are respectively imposed upon and granted to the Commissioners in districts beyond the boundaries of location as aforesaid.

Allowance to the persons appointed by the Justices.

6. And be it enacted That it shall be lawful for the said Police Magistrates Justices in Petty Sessions or Commissioners as aforesaid to cause an allowance for the number of days which any such person shall be actually employed in taking such account as aforesaid at a rate not exceeding ten shillings a day if employed on foot and fifteen shillings a day if employed on horseback to be paid to the persons so to be appointed as aforesaid.

Fines to be recovered in a summary way.

7. And be it enacted That all the fines imposed under and by virtue of this Act shall be recovered in a summary manner before any one or more Justice or Justices of the Peace unless hereinbefore otherwise provided and if not immediately paid shall be levied by distress and sale of the offender's goods and chattels by virtue of a warrant under the hand or hands and seal or seals of such Justice or Justices rendering to the said offender the overplus (if any) after the charge of such distress and sale shall be deducted and in case sufficient distress shall not be found then it shall be lawful for such Justice or Justices to commit such offender to the common gaol there to remain without bail or mainprize for a term not exceeding three months unless the said fine and charges shall be sooner paid and all fines imposed by this Act when recovered shall be paid one half to the informer or person who shall sue for the same and the other to the Treasurer of the said Colony to be applied towards defraying the expense of carrying this Act into execution.

Appropriation of fines.

8. And be it enacted That nothing in this Act contained shall be deemed or construed to extend to that part of the Territory of New South Wales situated within the Islands of New Zealand.

Reviewed under the 22nd section of the Act of Parliament 9 Geo. IV. cap. 83 Amended by the addition of an explanatory clause by way of Rider and finally passed the Council this sixteenth day of December one thousand eight hundred and forty.

EXPLANATORY CLAUSE OR RIDER REFERRED TO.

Provided always and be it declared and enacted by the authority aforesaid That nothing in this Act contained shall be deemed to authorize any person appointed to collect information under the provisions of the same to ask any other person directly any question relating to his or her civil condition or to render any person to whom such a question may have been proposed liable to any penalty under this Act for refusing to answer the same.

SCHEDULES REFERRED TO.

A.

NEW SOUTH WALES.

(CENSUS of the Year 1841.)

County Parish Town or District. Return No.

Name of Householder Employer of Servants or Person in Charge.

Place of Residence and Street if in a Town.

Questions to be proposed to every Householder Employer of Servants and Proprietor or Occupier of Land in the Colony by Persons appointed by the Justices of the several Towns and Districts respectively to collect the Information required by the Act.

Replies to be inserted by the Householder if able to write otherwise by one of the Collectors appointed by the Justices under a penalty in case of failure or neglect or of giving a false answer of not less than Forty shillings nor more than Five pounds.

1. What is the Name of the Person at the head or in charge of this House or Establishment and who is the Proprietor thereof?
2. Is the Dwelling-house built of Stone ? of Brick ? or of Wood ?
3. Is it completed or unfinished ?
4. Is it inhabited or uninhabited ?
5. How many Persons are residing in this House or Establishment including yourself ?
6. How many of those persons are Free ?
7. Be pleased to give me a Return of those Persons in the Form annexed distinguishing Males and Females and shewing the number of each Age Religion and Calling as therein specified.

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NUMERICAL RETURN shewing the Age Sex Religion Occupation Condition and Trade or Calling of persons in the said House or Establishment.

Numbers of each Age.	SEX.					
	MALE.		FEMALE.		TOTAL.	
	Married.	Single.	Married.	Single.		
Under 2 years ..	..	..	..	..
2 and under 7 ..	..	..	..	..
7 and under 14 ..	..	..	..	..
14 and under 21 ..	..	..	..	..
21 and under 45 ..	..	..	..	..
45 and under 60 ..	..	..	..	..
60 and upwards ..	..	..	..	..
* TOTALS						
CIVIL CONDITION.						
Free.	Born in the Colony ..	..	..	..
	Arrived Free ..	..	..	..
	Other Free Persons ..	..	..	..
Bond.	Holding Tickets of Leave ..	..	..	..
	In Government Employment ..	..	..	..
	In Private Assignment ..	..	..	..
* TOTALS						
RELIGION.						
Church of England ..	..	..	..	..
	Church of Scotland ..	..	..	..
	Wesleyan Methodists ..	..	..	..
	Other Protestant Dissenters ..	..	..	..
	Roman Catholics ..	..	..	..
	Jews ..	..	..	..
	Mahomedans and Pagans ..	..	..	..
* TOTALS						
OCCUPATION.						
Land Proprietors Merchants Bankers and Professional Persons ..	..	..	..	..
	Shopkeepers and other Retail Dealers ..	..	..	..
	Mechanics and Artificers ..	..	..	..
	Shepherds and others in the care of Sheep ..	..	..	..
	Gardeners Stockmen and Persons employed in Agriculture ..	..	..	..
	Domestic Servants ..	..	..	..
	All other Persons not included in the foregoing classes ..	..	..	..
* TOTALS						

Dated at _____
1841. } Signature of _____ Householder
Collector.

B.

Form of Affidavit.

I do hereby make oath and swear that the accounts numbered from _____ to _____ inclusive severally signed and now delivered by me contain a true statement of the number and quality of the persons residing within the District (or Town) of _____ to _____ to the best of my knowledge and belief.

Sworn before me at
this _____ day of 1841. }

(Signed) A. B.

J.P.

*N.B.—These Totals if the Returns be correct should correspond.

C.

Census (1841).

NEW SOUTH WALES.—CENSUS OF THE YEAR 1841.
C.

ABSTRACT of the Returns of the Population in the County Parish Town or District (as the case may be) of

We the Justices in Petty Sessions assembled (or I the Commissioner as the case may be) do hereby certify that we (or I) have carefully examined the Original Accounts from which this Abstract is made out and have caused any apparent error to be noted thereon and We (or I) believe this Abstract is correctly made out according to the same.

J.P. }
J.P. } or
J.P. }
J.P. }
COMMISSIONER.