

## No. XXI.

CENSUS  
(1846).

### An Act for taking an account of the Population of New South Wales. [8th November, 1845.]

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 to take an account of the total number of persons within the Colony of New South Wales Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That on or before the second day of February in the year one thousand eight hundred and forty-six the Police Magistrates for the several and respective Police Districts the boundaries whereof are set forth in certain Government notices respectively published by order of His Excellency the Governor in the *New South Wales Government Gazette* and bearing date the fifteenth day of September one thousand eight hundred and forty-one the ninth day of August one thousand eight hundred and forty-two and the twenty-fifth day of March one thousand eight hundred and forty-five and in any such Police District where there

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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.

2. And be it enacted That the said Police Magistrates Justices Justices to appoint persons to collect the information hereby required. in Petty Sessions and Commissioners shall on or before the sixteenth 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 or persons 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 his or their respective districts and inform himself or themselves of the several particulars specified in the said Schedule distinguishing the county or reputed county the parish (if in the County of Cumberland) and the city town or reputed town and if in the City of Sydney or Town of Melbourne the ward of the said city or town respectively 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 sex 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 and every such person in any way wilfully obstructing such persons in the execution of the duties required of them under this Act shall for every such refusal or neglect false answer or wilful obstruction forfeit and pay a sum not exceeding five pounds nor less than forty shillings at the discretion of the Justices before whom complaint thereof shall be made Provided always 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.

3. And be it enacted That the Visiting Magistrates of every public gaol prison or house of correction (or if there be no Visiting Magistrate then the Gaol or Keeper of such gaol prison or house of correction) and the Visiting Magistrate of Cockatoo Island the Superintendent of Hyde Park Barracks the Visiting Magistrate of the Female Factory at Parramatta the Superintendent of the Lunatic Asylum at Tarban Creek the Colonial Surgeons or Colonial Assistant Surgeons of the respective Convict Hospitals throughout the Colony the Superintendent of the Male Orphan School Liverpool the Matron of the Female Orphan School Parramatta and the Master or person in charge of the Institution for destitute Roman Catholic Children shall by virtue of such their office be deemed to be persons appointed for taking the account required by this Act in respect of the inmates of any

As to returns for  
gaols lunatic  
asylum orphan  
schools &c.

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any such gaol hospital asylum orphan school or other establishment as aforesaid and they shall respectively be liable to the penalties to which by this Act persons so appointed are subjected for wilful default in the instances therein specified. Provided always that no allowance as is hereinafter provided shall be made to any such Visiting Magistrate Superintendent Surgeon Assistant Surgeon Gaoler Matron or other person in charge of any such establishment as aforesaid.

Persons so appointed to deliver over to the Justices their accounts of inhabitants within a certain time.

4. 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 or Commissioners as aforesaid the several original accounts so taken in writing and subscribed by them and shall make solemn affirmation in the form contained in the Schedule hereunto annexed marked B before any Justice of the Peace acting in and for the Territory of New South Wales or for any part thereof 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 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.

Justices to examine the accounts and to transmit an abstract thereof to the Colonial Secretary.

5. And be it enacted That the said Police Magistrates Justices 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 examine the same and cause any defect or inaccuracy which may be discovered therein to be supplied or corrected so far as may be possible 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 Justices or Commissioners shall act shall comprise more than one county or parish in the County of Cumberland or any city town or reputed town such Police Magistrates Justices and Commissioners shall transmit a separate abstract in the form before mentioned of the persons residing or being in each such county or reputed county and parish if in the County of Cumberland and each city town or reputed town and in each ward of any incorporated city or 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 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.

Where boundaries not already proclaimed.

6. And whereas the boundaries of the Counties or reputed Counties of Stanley and Auckland in the Sydney or middle district and the boundaries of the Counties or reputed Counties of Bourke Grant and Normanby in the southern or Port Phillip District have not yet been definitely arranged and proclaimed Be it enacted That for the purposes of this Act it shall be lawful for His Excellency the Governor to define the boundaries of the said Counties or reputed Counties of Stanley and Auckland and for His Honor the Superintendent

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tendent of Port Phillip to define the boundaries of the said Counties or reputed Counties of Bourke Grant and Normanby and the Police Magistrate of Brisbane the Commissioner of Crown Lands for the District of Maneroo the Justices in Petty Sessions at Melbourne and Geelong and the Police Magistrate of Portland shall respectively 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 and Justices in Petty Sessions 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 and the said Commissioner of Crown Lands for the District of Maneroo shall in parts of their respective districts 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.

7. 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.

Allowances to the persons appointed by the Justices.

8. And be it enacted That all fines imposed under and by virtue of this Act shall be recovered in a summary manner before any two or more Justices of the Peace in Petty Sessions assembled unless hereinbefore otherwise provided and if not immediately paid shall be levied by distress and sale of the offender's goods and chattles by virtue of a warrant under the hands and seals of such 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 Justices or any two Justices to commit such offender to some 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.

Fines to be recovered in a summary way.

Appropriation of fines.

9. And be it enacted That every solemn affirmation or declaration made or signed under the authority of this Act shall be of the same force and effect as if the person making such affirmation or declaration had taken an oath in the usual form so that if the person making such affirmation or declaration shall be convicted of having therein wilfully and falsely affirmed or declared any matter or thing he shall be subject to the same pains penalties and forfeitures to which persons convicted of wilful perjury are subject.

Penalty for false declaration.

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# SCHEDULES REEERRED TO.

## A.

### NEW SOUTH WALES.

(CENSUS OF THE YEAR 1846.)

*Return No.*

THIS paper will be called for on the 2nd March 1846. No fees or reward to be paid to any person engaged on the Census. Your attention is particularly called to the 2nd clause of the Act 9 Victoria No. 21 wherein amongst other things it is enacted "That any person " refusing or neglecting to answer or wilfully giving a false answer to the questions by the " persons appointed to take the Census or wilfully obstructing such persons shall forfeit and " pay a sum not exceeding five pounds."

County       ...       ...       ...       ...       ...  
District     ...       ...       ...       ...       ...  
Parish (if in the County of Cumberland) ...  
Town ...       ...       ...       ..       ...       ...  
Street place alley &c. if in a Town ...       ...  
Ward if in an incorporated Town ...       ...  
Place of residence if in the country       ...  
Name of householder employer of servants  
or person in charge       ...       ...       ...

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.

1. Is this house built of stone of brick or of wood?
2. Is it shingled or slated?
3. Is it completed?
4. Is it inhabited?
5. Be pleased to refer to the forms annexed and according to the particulars therein specified give me first a Numerical Return of the inmates of this house on the 2nd March 1846 including yourself family servants lodgers and sojourners and secondly a Nominal Return shewing the Country where born and the occupation of each person.

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*Numerical Return of the several persons in the said House or Establishment on the  
2nd March 1846.*

						SEX.				TOTAL.	
						MALE.		FEMALE.			
						Married.	Single.	Married.	Single.		
Numbers of each age.	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.	{ Arrived free or born in the Colony .. ..									
		{ 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 Protestants .. ..										
	Roman Catholics .. ..										
	Jews .. ..										
	Mahomedans and Pagans .. ..										
*TOTALS .. ..											
Education.						MALE.			FEMALE.		
						Cannot read.	Read only.	Read & write.	Cannot read.	Read only.	Read & write.
	Under 4 years of age	..	..	..	..						
	4 years and under 7	..	..	..	..						
	7 years and under 14	..	..	..	..						
	14 years and under 21	..	..	..	..						
	21 years and upwards	..	..	..	..						
*TOTALS .. ..											

Dated at 1846. } Signature of \_\_\_\_\_ Householder.  
Collector.

*Nominal Return of persons in the said House or Establishment on 2nd March 1846.*

Name ... ..  
Country where born ... ..  
Present occupation ... ..  
Whether principal journeyman apprentice or hired or assigned  
servant ... ..

Signature of Householder.  
Collector.

\* These Totals if the Returns be correct should correspond.

## B.

*Form of Affirmation.*

I do hereby solemnly affirm and declare 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 \_\_\_\_\_ of  
to the best of my knowledge and belief.

Made and declared before me at  
this \_\_\_\_\_ day of \_\_\_\_\_

1846 }  
J. P. }

(Signed) A. B.

## C.

