

No. V.

CENSUS
(1861).

An Act for taking the Census in 1861. [20th February, 1861.]

Preamble.

WHEREAS it is expedient that an account of the Population be taken in the year one thousand eight hundred and sixty-one and on the same day in that year on which the like account is to be taken of the Population of Great Britain and Ireland. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Interpretation.

1. In the construction of this Act the word "dwelling" shall include all buildings and tenements or other erections whether permanent or temporary of which the whole or any part shall be used for the purpose of human habitation. Provided that in the case of pastoral establishments the employers or superintendents shall be deemed "occupiers" for the purpose of filling up the Schedules herein mentioned for their whole respective establishments and for all other purposes and subject to all other provisions of this Act. Provided also that each such pastoral establishment shall in the construction of this Act be deemed one "dwelling". And the word "Census" shall mean an account of the Population of New South Wales.

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2. A Census shall be taken in manner hereinafter directed of all persons in the Colony on the night of Sunday the seventh day of April one thousand eight hundred and sixty-one.

3. For the taking of such Census the Governor with the advice of the Executive Council shall appoint Enumerators and define the Districts for which they shall respectively act and determine the number of Collectors to be appointed and employed by such Enumerators respectively and such appointments and other particulars shall be notified in the *Gazette*.

4. The Enumerators shall subject to approval by the Governor with the like advice appoint in like manner the Collectors to be employed by them respectively and assign Sub-districts to such Collectors.

5. The Colonial Secretary shall have the care of superintending the taking of such Census and shall cause to be prepared and printed for the use of the persons to be employed in taking the same such Instructions as he shall deem necessary. And the Registrar General shall under the directions of such Colonial Secretary issue all such Forms and Instructions to the persons for whose use they shall be intended.

6. Schedules shall be prepared under the direction of the Colonial Secretary for the purpose of being filled up by or on behalf of the several occupiers of dwellings as hereinafter provided with particulars of the name sex age religion education rank profession or occupation condition relation to head of family and birth place of every living person who abode in every dwelling on the night of the said seventh day of April one thousand eight hundred and sixty-one and also whether any were blind or deaf and dumb. And the Enumerators shall in the course of the week ending on Saturday the sixth day of April one thousand eight hundred and sixty-one leave or cause to be left at every dwelling within their respective Districts one or more of such Schedules for the occupier or occupiers thereof or of any part thereof and upon every such Schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling (or where such dwelling is let in different stories or apartments and occupied distinctly by different persons or families then by the occupier of each such distinct story or apartment) and that the Enumerator or Collector will collect all such Schedules on the Monday then next following. And every occupier of any dwelling or of any distinct story or apartment in any dwelling with or for whom any such Schedule shall have been left as aforesaid shall fill up the said Schedule to the best of his or her knowledge and belief so far as relates to all persons abiding in the dwelling story or apartment occupied by him or her and shall sign his or her name thereunto and shall deliver the Schedule so filled up or cause the same to be delivered to the Enumerator or Collector when required so to do.

7. The Colonial Secretary shall obtain by such ways and means as shall appear to him best adapted for the purpose Returns of the particulars required by this Act with respect to all houseless persons and all persons who during the said night of Sunday the seventh day of April one thousand eight hundred and sixty-one were travelling or on shipboard or for any other reason were not abiding in any dwelling of which account is to be taken by the Enumerators and such Returns shall be included in the Abstracts to be made as hereinafter enacted.

8. Every Collector shall on Monday the said eighth day of April one thousand eight hundred and sixty-one or as soon thereafter as practicable demand and receive the said Schedules at all dwellings within his Sub-district and shall satisfy himself by inspection of the same that such Schedules are correctly filled up or if not so in any particular

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particular shall himself by information derived from the occupier make the same complete and correct and in either such case shall then and there countersign the said Schedules with his own name.

Collectors to deliver all Schedules &c. to Enumerator.

9. Every Collector shall within seven days after all the Schedules within his Sub-district shall have been completed and received by him deliver them to his Enumerator together with a declaration made and subscribed by himself in the form of the Schedule hereto marked A. And any Enumerator may in the case of any defect or deficiency in any Schedule so delivered require the Collector delivering the same to make further inquiries and to correct such defect or supply such deficiency at his own cost.

Enumerators to make Collective Returns for use of Colonial Secretary.

10. Every Enumerator shall within fourteen days after receipt from his Collectors of all such Schedules make out therefrom one Collective Return of all the several particulars therein respectively contained and shall sign and transmit the same to the Registrar General for the use of the Colonial Secretary together with all the said Schedules and the declarations aforesaid as received from the several Collectors and together also with a declaration made and subscribed by himself in the form of the Schedule hereto marked B.

Completion of Census by Colonial Secretary.

11. The Colonial Secretary shall with all convenient speed prepare or cause to be prepared Abstracts of the said Returns in like form to that which may be determined on by the Imperial Government for tabulating the Census of Great Britain or as nearly resembling such form as circumstances will admit. And such Abstracts shall be printed and laid before both Houses of Parliament.

Authorities to aid in carrying Act into effect.

12. The Inspector General of Police—all Municipal Councils—Justices of the Peace—Clerks of Petty Sessions—Gold Commissioners and District Registrars of Births Marriages and Deaths within the Colony shall on every request in writing from the Registrar General supply him for the use of the Colonial Secretary with all information in their power respecting fit persons to be appointed Enumerators or Collectors as aforesaid together with such advice and assistance upon any and every other point tending to the effectual carrying out of the provisions of this Act as may be in their power.

Penalty for non-compliance with Act.

13. Any occupier or person in charge of any dwelling or distinct part of a dwelling who shall refuse or wilfully neglect to fill up to the best of his knowledge or information and belief the Schedule so left as aforesaid or to sign and deliver the same or shall refuse or wilfully neglect to answer or untruly answer any necessary inquiry made by a Collector or wilfully make sign or deliver or cause to be made signed or delivered any false return or statement of any particular in such Schedule or shall obstruct any person in the performance of any duty under this Act shall be liable to a penalty not exceeding five pounds.

Penalty for wilful default of Collector.

14. Any Collector who shall fail to return to his Enumerator all the Schedules which shall have been received by him or shall wilfully sign or deliver any untrue Schedule or alter any Schedule except as aforesaid or shall otherwise wilfully violate any provision of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

How declaration to be made and if false how punished.

15. Every declaration under this Act may be made and subscribed before any Justice of the Peace. And any person wilfully making and subscribing a false declaration shall forfeit a sum not exceeding five pounds.

Penalty for failing to act after accepting office.

16. Any person accepting the office of Enumerator or Collector under this Act and afterwards refusing or neglecting to do anything lawfully required of him in virtue of such office unless prevented by sickness or other unavoidable cause (in which case the Governor with the advice aforesaid may forthwith appoint another Enumerator or the

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the Enumerator may appoint another Collector approved as aforesaid) shall be liable to a penalty not exceeding twenty pounds.

17. All penalties under this Act may be recovered summarily before any two Justices of the Peace.

18. This Act shall be styled and may be cited as "The New short title.
South Wales Census Act for 1861."

SCHEDULE A.

I a Collector appointed under the "Census Act for 1861" do solemnly declare that the Schedules numbered from to inclusive contained in the sealed packet to which this Declaration is attached are all the Schedules under the said Act which have been completed and received by me within the Sub-district to which I was appointed and that the whole contents of all the said Schedules are true to the best of my knowledge information and belief.

[Signature.]

SCHEDULE B.

I an Enumerator appointed for the District of
under the "Census Act for 1861" do solemnly declare that the sealed packet addressed to
the Registrar General to which this Declaration is attached contains all the Schedules and
Declarations transmitted to me by the [state here the number of Collectors for his District]
Collectors appointed by me and also one Collective Return made out by me from the said
Schedules and that the said Collective Return contains the full true and correct results of
all the particulars contained in all the said Schedules to the best of my knowledge and belief.

[Signature.]