

# A BILL

## For taking the Census in 1861.

(Presented by THE COLONIAL SECRETARY, 1 November, 1860.)

**W**HEREAS it is expedient that an account of the Population be Preamble.  
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  
5 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 :—

1. For the purposes of this Act the word " Dwelling " shall mean Interpretation.  
10 any house—building—booth—tent—hut—or other erection in or under  
which any person usually sleeps and every ship or other vessel in any  
Port or Harbour of the Colony And the word " Census " shall mean an  
account of the Population of New South Wales.

2. A Census shall be taken in manner hereinafter directed of all Census 7 April 1861.  
15 persons in all dwellings 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 Enumerators to be appointed.  
of the Executive Council shall appoint Enumerators and define the  
districts for which they shall respectively act and determine the number  
20 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 Collectors to be employed.  
with the like advice appoint in like manner the Collectors to be employed  
25 by them respectively and assign Sub-districts to such Collectors.

5. The Colonial Secretary shall order and supervise the taking of Instructions and Schedules to be issued.  
such account 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 also Schedules to be filled up by or on behalf of the  
30 several Occupiers of Dwellings with particulars of the Name Sex Age  
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 whether any were Blind Deaf or Dumb And the Registrar General shall under the directions of such Colonial Secretary issue all such Instructions and Schedules to the persons for whose use and distribution they shall be intended. 5

Schedules to be delivered at every dwelling and filled up and signed.

6. Every Enumerator 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 his district one or more of such Schedules for the occupier or person in charge thereof and upon every such Schedule shall be plainly expressed that it is to be filled up by the occupier or person in charge of such Dwelling (or where the same is let in different stories or apartments and occupied distinctly by different persons or families then by the occupier or person in charge of each such distinct story or apartment) and that every such Schedule will be called for on the Monday then next following being the Eighth day of April one thousand eight hundred and sixty-one And every such occupier or person in charge shall fill up and supply in such Schedule to the best of his knowledge and belief all the particulars specified therein and shall sign the said form.

Collectors personally to receive the forms and see to their correctness.

7. Every Collector shall on Monday the said Eighth day of April 20 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 the best means of information in his power that such Schedules are fully truly and correctly filled up or if not so in any particular shall himself by like means make the same 25 complete and correct and in either such case shall then and there counter-sign the said Schedules with his own name.

Collectors to deliver all forms &c. to Enumerator.

8. 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 30 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.

Schedule A.

Enumerators to make collective returns for use of Colonial Secretary.

9. Every Enumerator shall within fourteen days after receipt 35 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

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tions 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.

Schedule B.

10            10. The Colonial Secretary shall with all convenient speed prepare  
5 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.

Completion of  
Census by Colonial  
Secretary,

10            11. 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  
15 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.

Authorities to aid in  
carrying Act into  
effect.

20            12. All letters on the subject of this Act transmitted by post  
within the Colony to or from the Registrar General or any Enumerator  
or Collector or any person or body of persons mentioned in the next  
preceding section if marked on the outside with the word "Census" shall  
be delivered free of postage. Provided that every such letter from any  
Enumerator or Collector shall also be signed by him under the said word.

Letters free of  
postage.

25            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 inquiry made by a Collector or wilfully  
30 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 *Twenty* pounds.

Penalty for non-  
compliance with  
Act.

35            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 *Fifty* pounds.

Penalty for wilful  
default of Collector.



How declaration to be made and if false to be perjury.

15. Every Declaration under this Act may be made and subscribed before any Justice of the Peace And any person making and subscribing a false declaration shall be deemed guilty of perjury.

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 5 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 Enumerator may appoint another Collector approved as aforesaid) shall be liable to a penalty not exceeding *One hundred* pounds. 10

Recovery of penalties.

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

Regulations if necessary.

18. The Governor with the advice aforesaid may make any Regulations for carrying out any provision of this Act not herein specifically enacted And such Regulations when published in the *Gazette* 15 shall have the full force of law.

Short title.

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

#### SCHEDULE A.

I a Collector appointed under the "Census Act for 20 1861" do solemnly declare that the Forms numbered from to inclusive contained in the sealed packet to which this Declaration is attached are all the Forms 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 Forms are true to the best of my knowledge information and belief. 25

[Signature.]

Made and subscribed before me at  
this day of 186 . }

*Justice of the Peace.*

#### SCHEDULE B.

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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 Forms 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 35 Forms and that the said Collective Return contains the full true and correct results of all the particulars contained in all the said Forms.

[Signature.]

Made and subscribed before me at  
this day of 186 . }

*Justice of the Peace.*



Legislative Council.

24<sup>o</sup> VICTORIÆ, 1860.

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# A BILL

For taking the Census in 1861.

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**W**HEREAS 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:—

1. In the construction of this Act the word "Dwelling" shall include all buildings and tenements or other erections whether 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.

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.



Enumerators to be appointed.

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 5 in the *Gazette*.

Collectors to be employed.

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.

Forms and Instructions to be issued.

5. The Colonial Secretary shall have the care of superintending 10 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. 15

Schedules to be prepared and left at dwellings and filled up by occupiers.

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 20 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 25 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 30 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 35 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 40 so to do.

Account of homeless poor and of travellers.

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 45 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.

Collectors personally to receive the schedules and see to their correctness.

8. Every Collector shall on Monday the said eighth day of April 50 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 the best means of information in his power that such Schedules are fully truly and correctly filled up or if not so in any particular shall himself by like means make the same 55 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 60 himself in the form of the Schedule hereto marked A And any Enumerator



rator 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.

10. Every Enumerator shall within fourteen days after receipt  
5 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  
10 also with a declaration made and subscribed by himself in the form of the Schedule hereto marked B.

Enumerators to make collective returns for use of 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  
15 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.

Completion of Census by Colonial Secretary.

12. The Inspector General of Police—all Municipal Councils—  
Justices of the Peace—Clerks of Petty Sessions—Gold Commissioners and  
20 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  
25 other point tending to the effectual carrying out of the provisions of this Act as may be in their power.

Authorities to aid in carrying Act into effect.

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  
30 aforesaid or to sign and deliver the same or shall refuse or wilfully neglect to answer or untruly answer any 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  
35 to a penalty not exceeding Five pounds.

Penalty for non-compliance with Act.

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  
40 such offence be liable to a penalty not exceeding Five pounds.

Penalty for wilful default of Collector.

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

How declaration to be made and if false how punished.

16. Any person accepting the office of Enumerator or Collector  
45 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 Enumerator may appoint another Collector approved as aforesaid) shall be  
50 liable to a penalty not exceeding Twenty pounds.

Penalty for failing to act after accepting office.

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

Recovery of penalties.

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

Short title.



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. 5

[Signature.]

Made and subscribed before me at  
this \_\_\_\_\_ day of \_\_\_\_\_ 186 . }

10

*Justice of the Peace.*

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 15 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.] 20

Made and subscribed before me at  
this \_\_\_\_\_ day of \_\_\_\_\_ 186 . }

*Justice of the Peace.*