

South Trimble  
Clerk

Office of the Clerk  
House of Representatives  
Washington, D. C.

March 15, 1941

The Honorable  
The Governor of Minnesota  
St. Paul, Minnesota

Sir:

I have the honor to transmit herewith, pursuant to the Act of the Congress of the United States entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929, as amended by Public, Numbered 481, Seventy-sixth Congress, approved April 25, 1940, my certificate, attested by the Seal of the House of Representatives, showing the number of Representatives to which the State of Minnesota shall be entitled in the Seventy-eighth Congress and in each Congress thereafter until the taking effect of a reapportionment under said Act, as amended, or subsequent statute.

Copies of the Acts of Congress referred to above, as well as the message of the President of the United States of January 8, 1941, transmitted pursuant to the provisions thereof, are herewith.

Very truly yours,

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
APR - 1 1941  
*Wickert*  
Secretary of State

*South Trimble*  
SOUTH TRIMBLE  
Clerk of the House of Representatives

8920



HOUSE OF REPRESENTATIVES  
OFFICE OF THE CLERK  
WASHINGTON, D. C.

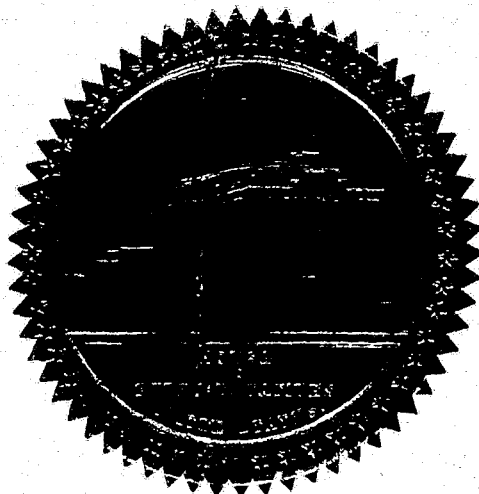
I, SOUTH TRIMBLE, CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, HEREBY CERTIFY, PURSUANT TO SECTION 22, SUBDIVISION (B), OF THE ACT OF THE CONGRESS OF THE UNITED STATES OF AMERICA ENTITLED "AN ACT TO PROVIDE FOR THE FIFTEENTH AND SUBSEQUENT DECENNIAL CENSUSES AND TO PROVIDE FOR APPORTIONMENT OF REPRESENTATIVES IN CONGRESS," APPROVED JUNE 18, 1929, AS AMENDED BY PUBLIC, NUMBERED 481, SEVENTY-SIXTH CONGRESS, APPROVED APRIL 25, 1940, THAT THE STATE OF

**MINNESOTA**

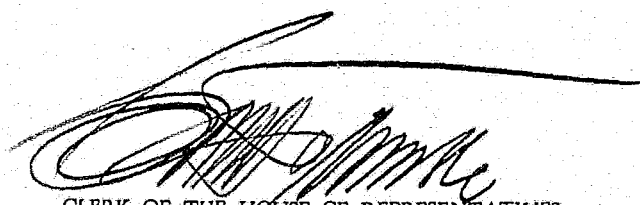
SHALL BE ENTITLED, IN THE SEVENTY-EIGHTH CONGRESS AND IN EACH CONGRESS THEREAFTER UNTIL THE TAKING EFFECT OF A REAPPORTIONMENT UNDER SAID ACT, AS AMENDED, OR SUBSEQUENT STATUTE, TO

**NINE REPRESENTATIVES**

IN THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES.



IN WITNESS WHEREOF I HERETO AFFIX MY NAME AND THE SEAL OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA THIS FIFTEENTH DAY OF MARCH, ANNO DOMINI 1941, IN THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA

  
CLERK OF THE HOUSE OF REPRESENTATIVES  
OF THE UNITED STATES

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
APR - 1 1941

*Walter H. Olson*  
Secretary of State

8920

77TH CONGRESS } HOUSE OF REPRESENTATIVES { DOCUMENT  
1st Session } No. 45

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SIXTEENTH DECENNIAL CENSUS OF POPULATION

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A STATEMENT PREPARED BY THE DIRECTOR OF THE CENSUS, DEPARTMENT OF COMMERCE, GIVING THE WHOLE NUMBER OF PERSONS IN EACH STATE AS ASCERTAINED UNDER THE SIXTEENTH DECENNIAL CENSUS OF POPULATION, AND THE NUMBER OF REPRESENTATIVES TO WHICH EACH STATE WOULD BE ENTITLED UNDER AN APPORTIONMENT OF THE EXISTING NUMBER OF REPRESENTATIVES BY THE METHOD KNOWN AS THE METHOD OF MAJOR FRACTIONS, WHICH WAS THE METHOD USED IN THE LAST PRECEDING APPORTIONMENT, AND ALSO BY THE METHOD KNOWN AS THE METHOD OF EQUAL PROPORTIONS

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JANUARY 8, 1941.—Referred to the Committee on the Census, and ordered to be printed

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*To the Congress of the United States:*

In compliance with the provisions of section 22 (a) of the act approved June 18, 1929, providing for the fifteenth and subsequent decennial censuses and for the apportionment of Representatives in Congress, as amended by the act of April 25, 1940, I transmit herewith a statement prepared by the Director of the Census, Department of Commerce, giving the whole number of persons in each State as ascertained under the Sixteenth Decennial Census of Population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives by the method known as the method of major fractions, which was the method used in the last preceding apportionment, and also by the method known as the method of equal proportions.

The Director of the Census has included all Indians in the tabulation of total population since the Supreme Court has held that all Indians are now subject to Federal taxation (*Superintendent v. Commissioner*,

295 U. S. 418). The effect of this upon apportionment of representatives, however, appears to be for determination by the Congress, as concluded in the Attorney General's opinion of November 28, 1940, to the Secretary of Commerce, a copy of which is annexed hereto.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
January 8, 1941.

TABLE 1.—Populations of the States, 1940, and apportionment of Representatives in Congress, 1940 and 1930

State	Population, Apr. 1, 1940	Present number of Rep- resenta- tives <sup>1</sup>	Apportionment of 435 Representatives, 1940					
			Method of major frac- tions			Method of equal pro- portions		
			Number of Rep- resenta- tives	Change from 1930		Number of Rep- resenta- tives	Change from 1930	
				Gain	Loss		Gain	Loss
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
United States.....	131,669,275	435	435	10	-10	435	9	-9
Alabama.....	2,832,981	9	9			9		
Arizona.....	490,261	1	1			1		
Arkansas.....	1,940,387	7	6		-1	7		
California.....	6,907,387	20	23	3		23	3	
Colorado.....	1,123,295	4	4			4		
Connecticut.....	1,709,242	6	6			6		
Delaware.....	266,505	1	1			1		
District of Columbia.....	693,091							
Florida.....	1,807,414	5	6	1		6	1	
Georgia.....	3,123,723	10	10			10		
Idaho.....	524,873	2	2			2		
Illinois.....	7,897,241	27	26		-1	26		-1
Indiana.....	3,427,790	12	11		-1	11		-1
Iowa.....	2,538,268	9	8		-1	8		-1
Kansas.....	1,801,028	7	6		-1	6		-1
Kentucky.....	2,846,927	9	9			9		
Louisiana.....	2,363,880	8	8			8		
Maine.....	847,226	3	3			3		
Maryland.....	1,821,244	6	6			6		
Massachusetts.....	4,316,721	15	14		-1	14		-1
Michigan.....	5,256,106	17	18	1		17		
Minnesota.....	2,792,300	9	9			9		
Mississippi.....	2,183,796	7	7			7		
Missouri.....	3,784,664	13	13			13		
Montana.....	659,456	2	2			2		
Nebraska.....	1,315,834	5	4		-1	4		-1
Nevada.....	110,247	1	1			1		
New Hampshire.....	491,524	2	2			2		
New Jersey.....	4,100,165	14	14			14		
New Mexico.....	531,818	1	2	1		2	1	
New York.....	13,479,142	45	45			45		
North Carolina.....	3,571,623	11	12	1		12	1	
North Dakota.....	641,935	2	2			2		
Ohio.....	6,907,612	24	23		-1	23		-1
Oklahoma.....	2,336,434	9	8		-1	8		-1
Oregon.....	1,089,684	3	4	1		4	1	
Pennsylvania.....	9,000,180	34	33		-1	33		-1
Rhode Island.....	713,346	2	2			2		
South Carolina.....	1,899,804	6	6			6		
South Dakota.....	642,961	2	2			2		
Tennessee.....	2,915,841	9	10	1		10	1	
Texas.....	6,414,824	21	21			21		
Utah.....	550,310	2	2			2		
Vermont.....	359,231	1	1			1		
Virginia.....	2,677,773	9	9			9		
Washington.....	1,736,191	6	6			6		
West Virginia.....	1,901,974	6	6			6		
Wisconsin.....	3,137,587	10	10			10		
Wyoming.....	250,742	1	1			1		

<sup>1</sup> The present apportionment of Representatives is based on the 1930 census. The method followed in 1930 was the method of major fractions. In that instance the use of the method of equal proportions would have resulted in the same apportionment.

NOVEMBER 28, 1940.

The honorable the SECRETARY OF COMMERCE.

MY DEAR MR. SECRETARY: In your letter of November 9, 1940, you state, in part:

Section 2 of the fourteenth amendment to the Constitution provides that in apportioning representatives, "Indians not taxed" shall be excluded. The census of population upon which the reapportionment of Representatives is to be based is now being prepared.

Since it appears that today all Indians are subject to the Federal income-tax law, your opinion is respectfully requested as to whether there are any Indians not taxed, within the meaning of that phrase as it appears in the Constitution and the fourteenth amendment thereto. There is enclosed herewith a recent opinion of the Solicitor of this Department on this subject.

Also enclosed with your letter is an opinion of the Solicitor of the Department of the Interior dealing with the question at some length.

As pointed out by the Solicitor of the Department of the Interior the answer to your question depends upon whether the phrase "Indians not taxed" refers (1) to Indians not actually paying taxes or only to those who are not subject to taxation and (2) to Indians not taxed or subject to taxation by any taxing authority or only to those not taxed or subject to taxation by the States in which they reside. The bearing of these preliminary questions upon the question presented is apparent in view of the recent decisions of the Supreme Court holding that all Indians are subject to the Federal income-tax law.

The question presented has been discussed in a number of court decisions but the issue has never been squarely raised in any of the decided cases. Some of the cases and some statements appearing in the debates in the Constitutional Convention lend support to the view that since all Indians are now subject to the Federal income-tax laws there are no longer any Indians not taxed within the meaning of the constitutional phrase. On the other hand, other decided cases and other statements appearing in the debates in the Convention equally support the contrary view. Thus it appears that, as stated by your Solicitor, the question presents a "perplexing problem", and that the answer to it is not free from doubt.

The Congress is aware, of course, of the recent decisions of the Supreme Court holding all Indians subject to the Federal income-tax laws. What construction the Congress will now give to the phrase "Indians not taxed" is a question for it to decide, and action taken by it with respect thereto will be final, subject only to review by the courts in proper cases brought before them. An opinion on the question by the Attorney General would not be determinative, since neither the Congress nor the courts would be bound by such opinion.

Moreover, it does not appear that an answer to your question is necessary at this time for any administrative purpose within your Department. In my opinion, a continuance by you of the practice heretofore followed in your Department with respect to the subject will meet every administrative requirement imposed upon your

4 SIXTEENTH DECENNIAL CENSUS OF POPULATION

Department in the premises, and in addition well may furnish to the Congress information desired by that body as a basis for action on its part.

It is recommended, therefore, that you at this time follow your former practice, giving to the Congress full information with respect thereto.

Respectfully,

ROBERT H. JACKSON,  
*Attorney General.*

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
F I L E D  
APR - 1 1941  
*Wm. H. H. H.*  
Secretary of State

[PUBLIC—No. 481—76TH CONGRESS]

[CHAPTER 152—3D SESSION]

[S. 2505]

AN ACT

To amend an Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, so as to change the date of subsequent apportionments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, is hereby amended in the first sentence of section 22 (a) by striking out the words "second regular session of the Seventy-first Congress" and substituting the following words: "first regular session of the Seventy-seventh Congress", and by striking out "fifteenth" and inserting "sixteenth".

SEC. 2. The first sentence of section 22 (b) of such Act is amended to read as follows: "If the Congress to which the statement required by subdivision (a) of this section is transmitted has not, within sixty calendar days after such statement is transmitted, enacted a law apportioning Representatives among the several States, then each State shall be entitled, in the next Congress and in each Congress thereafter until the taking effect of a reapportionment under this Act or subsequent statute, to the number of Representatives shown in the statement based upon the method used in the last preceding apportionment."

Approved April 25, 1940.

[PUBLIC—No. 13—71ST CONGRESS]

[S. 312]

An Act To provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a census of population, agriculture, irrigation, drainage, distribution, unemployment, and mines shall be taken by the Director of the Census in the year 1930 and every ten years thereafter. The census herein provided for shall include each State, the District of Columbia, Alaska, Hawaii, and Porto Rico. A census of Guam, Samoa, and the Virgin Islands shall be taken in the same year by the respective governors of said islands and a census of the Panama Canal Zone by the Governor of the Canal Zone, all in accordance with plans prescribed or approved by the Director of the Census.

SEC. 2. That the period of three years beginning the 1st day of January in the year 1930 and every tenth year thereafter shall be known as the decennial census period, and the reports upon the inquiries provided for in said section shall be completed within such period: *Provided*, That the tabulation of total population by States as required for the apportionment of Representatives shall be completed within eight months from the beginning of the enumeration and reported by the Director of the Census to the Secretary of Commerce and by him to the President of the United States.

SEC. 3. That there may be employed in the Bureau of the Census, in addition to the force provided for by the appropriation Act for the fiscal year immediately preceding the decennial census period, two assistant directors, one of whom shall act as executive assistant to the director, performing, in addition, the duties usually assigned to the chief clerk, and the other, who must be a person of known and tried experience in statistical work, as technical and statistical advisor; these officials to be appointed by the Secretary of Commerce, upon the recommendation of the Director of the Census, in conformity with the civil service laws and rules.

In addition to the force hereinbefore provided for, there may be appointed by the Director of the Census, without regard to the provisions of the Classification Act, for any period not extending beyond the decennial census period, at rates of compensation to be fixed by him, as many temporary employees in the District of Columbia as may be necessary to meet the requirements of the work: *Provided*, That census employees who may be transferred to any such temporary positions shall not lose their permanent civil-service status by reason of such transfer: *Provided further*, That hereafter in making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but



whose wives are qualified, to hold such positions: *Provided further*, That all such temporary appointments shall be made in conformity with the civil service laws and rules: *Provided further*, That in making any appointments under this Act to positions in the District of Columbia or elsewhere, preference shall be given to persons discharged under honorable conditions from the military or naval forces of the United States who served in such forces during the time of war and were disabled in the line of duty, to their widows, and to their wives if the husband is not qualified to hold such positions.

That special agents, supervisors, supervisors' clerks, enumerators, and interpreters may be appointed by the Director of the Census to carry out the provisions of this Act and of the Act to provide for a permanent Census Office, approved March 6, 1902, and Acts amendatory thereof or supplemental thereto, such appointments to be made without regard to the Civil Service laws or the Classification Act of 1923, as amended, except that such special agents shall be appointed in accordance with the Civil Service laws. The Director of the Census may delegate to the supervisors authority to appoint enumerators. The enlisted men and officers of the Army, Navy, and Marine Corps may be appointed and compensated for the enumeration of Army, Navy, Marine, and other military posts. Employees of the Department of Commerce and other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the Fifteenth Decennial Census. The special agents, supervisors, supervisors' clerks, enumerators, and interpreters thus appointed shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That special agents appointed at a per diem rate shall not be paid in excess of \$8 per diem except as hereinafter provided; and that the compensation on a piece-price basis may be fixed without limitation as to the amount earned per diem: *Provided further*, That during the decennial census period the Director of the Census may fix the compensation of not to exceed twenty-five special agents at an amount not to exceed \$12 per diem: *Provided further*, That permanent employees of the Census Office and special agents may be detailed, when necessary, to act as supervisors or enumerators, such permanent employees and special agents to have like authority with and perform the same duties as the supervisors or enumerators in respect to the subjects committed to them under this Act.

SEC. 4. That the fifteenth and subsequent censuses shall be restricted to inquiries relating to population, to agriculture, to irrigation, to drainage, to distribution, to unemployment, and to mines. The number, form, and subdivision of the inquiries in the schedules used to take the census shall be determined by the Director of the Census, with the approval of the Secretary of Commerce.

SEC. 5. That each supervisor shall perform such duties as may be imposed upon him by the Director of the Census in the enforcement of this Act, and the duties thus imposed shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census; that each enumerator or other employee detailed to serve as enumerator shall be charged with the collection

in his subdivision of the facts and statistics called for on the population and agricultural schedules, and such other schedules as the Director of the Census may determine shall be used by him in connection with the census. It shall be the duty of each enumerator to visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, to obtain each and every item of information and all particulars required for the census; and in case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries, then it shall be lawful for the census employee to obtain the required information as nearly as may be practicable from the family or families or person or persons living nearest to such place of abode who may be competent to answer such inquiries.

SEC. 6. That the census of the population and of agriculture required by section 1 of this Act shall be taken as of the 1st day of April, and it shall be the duty of each enumerator to commence the enumeration of his district on the day following unless the Director of the Census in his discretion shall change the date of commencement of the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made and to forward the same to the supervisor of his district within thirty days from the commencement of the enumeration of his district: *Provided*, that in any city having two thousand five hundred inhabitants or more under the preceding census the enumeration of the population shall be completed within two weeks from the commencement thereof.

SEC. 7. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as supervisor, enumerator, or clerk, or other employee, or shall in any way receive or secure to himself any part of the compensation paid to any supervisor, enumerator, clerk, or other employee, he shall be deemed guilty of a felony, and upon conviction thereof shall be fined not more than \$3,000 or be imprisoned not more than five years, or both.

SEC. 8. That any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee who, having taken and subscribed the oath of office, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$500; or if he shall, without the authority of the Director of the Census, publish or communicate any information coming into his possession by reason of his employment under the provision of this Act, or the Act to provide for a permanent Census Office or Acts amendatory thereof or supplemental thereto, he shall be guilty of a felony and upon conviction thereof shall be fined not to exceed \$1,000 or be imprisoned not to exceed two years, or both so fined and imprisoned in the discretion of the court; or if he shall willfully and knowingly swear or affirm falsely as to the

truth of any statement required to be made or subscribed by him under oath by or under authority of this Act or of the Act to provide for a permanent Census Office or Acts amendatory thereof or supplemental thereto, he shall be deemed guilty of perjury, and upon conviction thereof shall be fined not exceeding \$2,000 or imprisoned not exceeding five years, or both; or if he shall willfully and knowingly make a false certificate or a fictitious return he shall be guilty of a felony, and upon conviction of either of the last-named offenses he shall be fined not exceeding \$2,000 or be imprisoned not exceeding five years, or both; or if any person who is or has been an enumerator shall knowingly or willfully furnish or cause to be furnished, directly or indirectly, to the Director of the Census or to any supervisor or other employee of the census any false statement or false information with reference to any inquiry for which he was authorized and required to collect information, he shall be guilty of a felony, and upon conviction thereof shall be fined not exceeding \$2,000 or be imprisoned not exceeding five years, or both.

Sec. 9. That it shall be the duty of all persons over eighteen years of age when requested by the Director of the Census, or by any supervisor, enumerator, or special agent, or other employee of the Census Office, acting under the instructions of the said director, to answer correctly, to the best of their knowledge, all questions on the census schedules applying to themselves and to the families to which they belong or are related, and to the farm or farms of which they or their families are the occupants; and any person over eighteen years of age who, under the conditions hereinbefore stated, shall refuse or willfully neglect to answer any of these questions, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$100 or be imprisoned not exceeding sixty days, or both, and any such person who shall willfully give answers that are false shall be fined not exceeding \$500 or be imprisoned not exceeding one year, or both.

And it is hereby made unlawful for any individual, committee, or other organization of any kind whatsoever, to offer or render to any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other officer or employee of the Census Office engaged in making an enumeration of population, either directly or indirectly, any suggestion, advice, or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, either as to the number of persons resident in any district or community, or in any other respect; and any individual, or any officer or member of any committee or other organization of any kind whatsoever, who directly or indirectly offers or renders any such suggestion, advice, information, or assistance, with such unlawful intent or purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned for not exceeding one year, or both.

And it shall be the duty of every owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said director, to furnish the names of the occu-

pants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress therefrom to any duly accredited representative of the Census Office, so as to permit the collection of statistics for census purposes, including the proper and correct enumeration of all persons having their usual place of abode in said hotel, apartment house, boarding or lodging house, tenement, or other building; and any owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building who shall refuse or willfully neglect to give such information or assistance under the conditions hereinbefore stated shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$500.

Sec. 10. That it shall be the duty of every owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, to answer completely and correctly to the best of his knowledge all questions relating to his respective company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census schedule prepared by the Director of the Census under the authority of this Act, or of the Act to provide for a permanent Census Office, approved March 6, 1902, or of Acts amendatory thereof or supplemental thereto; and any person violating the provisions of this section by refusing or willfully neglecting to answer any of said questions, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$500, or imprisoned for a period not exceeding sixty days, or both so fined and imprisoned, and any person violating the provisions of this section by willfully giving answers that are false shall be fined not exceeding \$10,000 or imprisoned for a period not exceeding one year, or both.

Sec. 11. That the information furnished under the provisions of this Act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Census Office whereby the data furnished by any particular establishment or individual can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports.

Sec. 12. That all fines and penalties imposed by this Act may be enforced by indictment or information in any court of competent jurisdiction.

Sec. 13. That the Director of the Census is hereby authorized to make requisition upon the Public Printer for such printing as may be necessary to carry out the provisions of this Act, to wit: Blanks, schedules, circulars, pamphlets, envelopes, work sheets, and other items of miscellaneous printing; that he is further authorized to have printed by the Public Printer, in such editions as the director may deem necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this Act or by the Act to establish a permanent Census Office and Acts amendatory thereof or supplemental thereto and to publish and distribute said bulletins and reports.

Sec. 14. That all mail matter, of whatever class or weight, relating to the census and addressed to the Census Office, or to any official

thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided*, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.

SEC. 15. That the Secretary of Commerce, whenever he may deem it advisable, on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for.

SEC. 16. That there shall be in the year 1935, and once every ten years thereafter, a census of agriculture and livestock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. The schedule employed in this census shall be prepared by the Director of the Census. Such census shall be taken as of the 1st day of January and shall relate to the crop year. The Director of the Census may appoint enumerators or special agents for the purpose of this census in accordance with the provisions of the permanent census Act.

SEC. 17. That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, for every second year after 1927, statistics of manufacturing industries; and the director is hereby authorized to prepare such schedules as in his judgment may be necessary.

SEC. 18. That the Director of the Census be, and he is hereby, authorized at his discretion, upon the written request of the governor of any State or Territory or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies and \$1 additional for certification; and that the Director of the Census is further authorized, in his discretion, to furnish to individuals such data from the population schedules as may be desired for genealogical or other proper purposes, upon payment of the actual cost of searching the records and \$1 for supplying a certificate; and that the Director of the Census is authorized to furnish transcripts of tables and other records and to prepare special statistical compilations for State or local officials, private concerns, or individuals upon the payment of the actual cost of such work: *Provided, however*, That in no case shall information furnished under the authority of this Act be used to the detriment of the person or persons to whom such information relates. All moneys hereafter received by the Bureau of the Census in payment for labor and materials used in furnishing transcripts of census records or special statistical compilations from such records shall be deposited to the credit of the appropriation for collecting statistics.

SEC. 19. That the Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses of the officers and employees of the Census Office, including an allowance in lieu of subsistence not exceeding \$6 per day during their necessary absence from the Census Office, or, instead of such an

allowance, their actual subsistence expenses, not to exceed \$7 per day: *Provided*, That employees of the bureau may be paid in lieu of all transportation expenses not to exceed 7 cents per mile for the use of their own automobiles or not to exceed 3 cents per mile for the use of their own motor cycles when used for necessary travel on official business.

SEC. 20. For the purpose of carrying out the provisions of this Act during the fifteenth decennial census period, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$39,593,000.

SEC. 21. That the Act establishing the permanent Census Office, approved March 6, 1902, and Acts amendatory thereof and supplemental thereto, except as are herein amended, shall remain in full force. That the Act entitled "An Act to provide for the fourteenth and subsequent decennial censuses," approved March 3, 1919, and all other laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 22. (a) On the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives made in each of the following manners:

(1) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member;

(2) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method known as the method of major fractions, no State to receive less than one Member; and

(3) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method known as the method of equal proportions, no State to receive less than one Member.

(b) If the Congress to which the statement required by subdivision (a) of this section is transmitted, fails to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment under this Act or subsequent statute, to the number of Representatives shown in the statement based upon the method used in the last preceding apportionment. It shall be the duty of the Clerk of the last House of Representatives forthwith to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then

thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided*, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.

SEC. 15. That the Secretary of Commerce, whenever he may deem it advisable, on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for.

SEC. 16. That there shall be in the year 1935, and once every ten years thereafter, a census of agriculture and livestock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. The schedule employed in this census shall be prepared by the Director of the Census. Such census shall be taken as of the 1st day of January and shall relate to the crop year. The Director of the Census may appoint enumerators or special agents for the purpose of this census in accordance with the provisions of the permanent census Act.

SEC. 17. That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, for every second year after 1927, statistics of manufacturing industries; and the director is hereby authorized to prepare such schedules as in his judgment may be necessary.

SEC. 18. That the Director of the Census be, and he is hereby, authorized at his discretion, upon the written request of the governor of any State or Territory or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies and \$1 additional for certification; and that the Director of the Census is further authorized, in his discretion, to furnish to individuals such data from the population schedules as may be desired for genealogical or other proper purposes, upon payment of the actual cost of searching the records and \$1 for supplying a certificate; and that the Director of the Census is authorized to furnish transcripts of tables and other records and to prepare special statistical compilations for State or local officials, private concerns, or individuals upon the payment of the actual cost of such work: *Provided, however*, That in no case shall information furnished under the authority of this Act be used to the detriment of the person or persons to whom such information relates. All moneys hereafter received by the Bureau of the Census in payment for labor and materials used in furnishing transcripts of census records or special statistical compilations from such records shall be deposited to the credit of the appropriation for collecting statistics.

SEC. 19. That the Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses of the officers and employees of the Census Office, including an allowance in lieu of subsistence not exceeding \$6 per day during their necessary absence from the Census Office, or, instead of such an

allowance, their actual subsistence expenses, not to exceed \$7 per day: *Provided*, That employees of the bureau may be paid in lieu of all transportation expenses not to exceed 7 cents per mile for the use of their own automobiles or not to exceed 3 cents per mile for the use of their own motor cycles when used for necessary travel on official business.

SEC. 20. For the purpose of carrying out the provisions of this Act during the fifteenth decennial census period, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$39,593,000.

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SEC. 22. (a) On the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives made in each of the following manners:

(1) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member;

(2) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method known as the method of major fractions, no State to receive less than one Member; and

(3) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method known as the method of equal proportions, no State to receive less than one Member.

(b) If the Congress to which the statement required by subdivision (a) of this section is transmitted, fails to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment under this Act or subsequent statute, to the number of Representatives shown in the statement based upon the method used in the last preceding apportionment. It shall be the duty of the Clerk of the last House of Representatives forthwith to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then

such duty shall devolve upon the officer who, under section 32 or 33 of the Revised Statutes, is charged with the preparation of the roll of Representatives-elect.

(c) This section shall have no force and effect in respect of the apportionment to be made under any decennial census unless the statement required by subdivision (a) of this section in respect of such census is transmitted to the Congress within the time prescribed in subdivision (a).

Approved, June 18, 1929.

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