

Certifying
result.

and counted, and the result thereof certified in like manner as in the case of an election for village officers. If five-eighths of the voters who vote upon said question shall vote for the issuance of said bonds then the same shall be issued by said council and sold, but not otherwise.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1905.

S. F. No. 49.

CHAPTER 124.

An act to provide for the taking of the fifth (5th) decennial census of the State of Minnesota and to appropriate money therefor.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That a census of the population of the state of Minnesota shall be taken as of the dates hereinafter provided for.

Census
bureau of
Minnesota.

SEC. 2. There shall be established in the office of the secretary of state a bureau to be known as the "Census Bureau of Minnesota," of which bureau the secretary of state shall be the chief or superintendent, and that said secretary of state as such superintendent thereof, shall be, and he is hereby empowered to secure such necessary assistance for the enumeration of the population of said state, and for the clerical work necessary therein as shall be required for the carrying out by said bureau of the provisions of this act. The secretary of state in his official capacity, as created by this act, shall be known as the superintendent of census, and it shall be his duty to superintendent and direct the taking of the fifth (5th) decennial census of the State of Minnesota, under the rules, conditions and provisions of this act, and to otherwise perform all duties in connection therewith as are by law required of him.

Secretary
of state to
have charge.

Information
required.

SEC. 3. The information to be gathered as to enumeration of inhabitants and the statistical information herein provided for shall include and embrace an enumeration of the inhabitants residing in each city, town, village or borough, together with unorganized portions of the state, including a full and complete enumeration of all the soldiers and sailors of the War of the Rebellion and the Spanish war residing in this state, on the first day of

June, one thousand nine hundred and five (1905). No enumeration of Indians not entitled to the right of suffrage, under the constitution and laws of this state, shall be included in the census provided for by this act. Indians.

In addition to the enumeration of the inhabitants, the enumerators hereinbefore provided for shall also obtain and report the distinguishing sexes of persons, their respective ages, color, nativity, occupation, parentage, whether foreign or otherwise, and period of residence in this state, and in their respective enumeration district.

SEC. 4. Such enumeration shall commence on the first (1st) day of June, one thousand nine hundred and five (1905), and shall be completed on or before the first (1st) day of July, one thousand nine hundred and five (1905), and shall be in the hands of the superintendent of census not later than the tenth (10th) day of July, one thousand nine hundred and five (1905). Commences on June 1.

SEC. 5. The superintendent of census shall, for the purposes of carrying out the provisions of this act, and for the purpose of securing the information hereinbefore required, appoint census enumerators for the various civil divisions hereinbefore specified, using as a basis of apportionment as to population, the United States census of nineteen hundred (1900), and he shall so apportion the enumeration districts that the provisions of section three (3) of this act shall be faithfully and duly performed. Appointment of enumerators.

Said superintendent of census may also employ such special agents or enumerators as he may deem proper for the purpose of assisting him in securing prompt returns from each of said civil divisions, or for assisting in the correction of improper or incorrect returns, and in relation to such other field work as may require the employment of such extra assistants. Special agents.

SEC. 6. The compensation of census enumerators shall be fixed and allowed as follows: Compensation of enumerators.

In cities having a population of five thousand (5,000) inhabitants and over the enumerators shall receive two (2) dollars for each one hundred inhabitants so enumerated.

In cities, villages and townships containing not less than five hundred (500) inhabitants nor more than five thousand (5,000) inhabitants, the enumerators shall receive two dollars and twenty-five cents (\$2.25) for each one hundred inhabitants so enumerated.

In all other enumeration districts, except as hereinafter provided, the enumerators shall receive an allowance not exceeding two and one-half cents for each living person so enumerated; *provided, however*, that where, by reason of difficulty of enumeration caused by sparseness of settlement of the district so enumerated, when said compensation of two and one-half cents for each person, shall not, in the judgment of the superintendent of census, be sufficient to properly compensate said enumerators, the said superintendent of census may allow such enumerator in any such district not less than two (2) dollars per day, nor more than three (3) dollars per day of ten hours' actual field work each.

No mileage.

No claim for mileage or traveling expenses shall be allowed or paid to any enumerator.

Office force.

The superintendent of census shall keep suitable rooms for keeping account of the returns made by enumerators and of the time occupied by enumerators in field work for the purpose of ascertaining the amount due to the enumerators severally, under the provisions of this act.

Boundaries of districts.

SEC. 7. The boundaries of all enumeration districts shall be along township or ward lines and no enumeration district shall contain more than two (2) townships or wards, except in unorganized towns, in which unorganized towns, the superintendent of census shall fix such boundaries as he may deem best and proper.

Preference to old soldiers.

SEC. 8. In the appointment of enumerators, preference shall be given to properly qualified persons who are honorably discharged soldiers or sailors residing in their respective districts, and an applicant's political faith shall be no test of his fitness. Enumerators shall be appointed upon application only, made upon blanks prepared by the census bureau, and the superintendent of census shall in appointing such enumerators be guided, largely, by the applicant's fitness and qualifications for the performance of his duty, and that such applicant's petition or application shall bear the endorsement and recommendation of at least three (3) or more citizens known to be of reputable business standing and of good character. No enumerator shall be deemed qualified to enter upon his duties until he has received from the superintendent of census a commission under his hand authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed by him; he shall, moreover, take and subscribe the following oath or affirmation:

Commission of enumerators.

I, _____, an enumerator for taking the fifth decennial census of Minnesota, do solemnly swear (or affirm) that I will make a true and exact enumeration of all the inhabitants within the district assigned to me as provided for in the act for taking the fifth decennial census; and in conformity with all lawful instructions which I may receive, and will make due and correct returns therefor as required by said act, and will not disclose any information contained in the schedules, lists or statements obtained by me to any person or persons, except to my superior officers. Oath.

(Signed). _____.

Which said oath or affirmation may be administered by any judge or clerk of a court of record; or any justice of the peace or notary public empowered to administer oaths; which oath duly authenticated shall be forwarded to the superintendent of census before the date fixed for the commencement of the enumeration.

SEC. 9. It shall be the duty of each enumerator, after being qualified in the manner aforesaid, to visit personally each dwelling house in his district, 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 such family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all the particulars required by this act as of date June first (1st), one thousand nine hundred and five (1905).

Duty of enumerators.

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 inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerator 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.

SEC. 10. The said superintendent of census shall have the power to provide for such reasonable rules and regulations for the taking of such census and for the forwarding of returns to the enumerators or to the superintendent of census as he may deem proper and advisable. That each of the original schedules so prepared and forwarded by such enumerator, as herein provided, shall be duly certified by such enumerator in such manner as the said superintendent of census shall provide for under the terms of this act.

Rules and regulations.

SEC. 11. That each and every person more than twenty (20) years of age, belonging to any family residing in any enumeration district or subdivision, and in case of the absence of the heads and other members of any such family, then any representative of any such family shall be, and each of them hereby is required, if thereto requested by the enumerator, to render a true account to the best of his or her knowledge of every person belonging to such family, in the various particulars, required by law and whoever shall willfully fail or refuse shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail in his respective county for a period not exceeding sixty (60) days.

Penalty for refusing to answer questions.

Refusal to perform duties.

SEC. 12. If any enumerator or agent appointed under this act willfully refuses to perform any duty required of him in accordance herewith or fails to forward his original schedules, duly certified to within the time provided by this act, or falsifies or attempts to falsify in any manner his enumeration schedules or reports, he shall be guilty of a misdemeanor, and upon conviction shall be imprisoned in the county jail in his respective county for a period not exceeding ninety (90) days, and if any person shall refuse to give the information required by this act to a person authorized to collect the same, he shall be guilty of a misdemeanor, and upon conviction shall be imprisoned in the county jail in his county for a period not exceeding ninety (90) days.

Penalty.

SEC. 13. All fines imposed by this act may be recovered in any court of competent jurisdiction and shall accrue wholly to the state.

Incompetency.

SEC. 14. In case any enumerator or agent shall be found incompetent or derelict in the performance of his duties his commission may at any time be revoked by the superintendent of census, and another enumerator or agent appointed in his place.

SEC. 15. The superintendent of the census shall on or before the twenty-fifth (25th) day of May next, transmit to the several enumerators appointed under the provisions of this act, printed schedules, prepared under the direction of said superintendent of census, in accordance with the provisions of this act, with such instructions and regulations as said superintendent may deem necessary and proper.

Printed schedules.

SEC. 16. The superintendent of census shall employ, for such time as may be necessary, copyists, stenog-

raphers, statisticians, etc., as he shall deem necessary in compiling, tabulating and publishing the said census so to be taken under the provisions of this act.

SEC. 17. The superintendent of the census is hereby authorized to make such arrangements with the custodian or custodians of the new state capitol building for the use of such rooms of the said state capitol building as may be necessary in conducting the work of taking and compiling said census, and he shall make suitable provisions for the safe storage and preservation of all census schedules and documents during the process of taking, compiling and publishing said census, and shall also preserve in the state capitol building all original census schedules and documents, after such census record has been printed, for such disposition thereof as the thirty-fifth (35th) session of the state legislature shall see fit to make. The superintendent of census shall preserve inviolate and intact all census statistics and shall not allow such statistics or any portion thereof to be made public until same are printed under the provisions of this act. No clerk, copyist or other employe in said census bureau shall divulge or make public to any person or persons, prior to the publication thereof, any of the said census statistics. Any violation of the provisions of this section shall be punished by a fine not exceeding two hundred and fifty (250) dollars or imprisonment in the county jail for the period of not more than ninety (90) days.

Quarters in
new capitol.

Preservation
of statistics.

SEC. 18. The superintendent of census shall complete the compilation and publication of the said census not later than the first (1st) day of January, one thousand nine hundred and six (1906). That said publication shall be made in manner and form as the said superintendent of census shall deem proper. That there shall be published ten thousand (10,000) copies of such census record, and that a copy thereof shall be forwarded by said superintendent of census to every board of trade, chamber of commerce and business or mercantile union or association in this state; one copy to each county auditor of each county; one copy to each clerk or recorder of every city, village or township in this state, and one copy to each and every public library; one copy to each school district clerk; one copy to each newspaper and periodical published in this state; one copy for each state institution, and one copy to each member of the present legislature, and to all state officials, and shall also retain

Compilation
of census.

Distribution
of report.

in his office a copy for distribution to each member of the legislature which shall convene in the year one thousand nine hundred and seven (1907). All remaining copies shall be retained in the office of the secretary of state and circulated as he may deem proper and sufficient.

Compensation of superintendent.

SEC. 19. The said superintendent of census shall receive as compensation for his services under the provisions of this act the sum of five hundred (500) dollars.

SEC. 20. All bills and expenses incurred in the taking of the fifth (5th) decennial census of this state shall be vouchered and approved by the superintendent of census and presented to the state auditor of this state, who shall issue, to the party entitled thereto, the proper warrant on the state treasurer for the amount of said voucher.

Amount of appropriation.

SEC. 21. That the sum of sixty-five thousand (65,000) dollars is hereby fixed and limited as the maximum cost of the census herein provided for; which said sum, or so much thereof as may be necessary for the carrying out of the provisions of this act, is hereby appropriated out of any money in the state treasury not otherwise appropriated.

SEC. 22. That the superintendent of census is hereby authorized, whenever he may think proper, to call upon any other department or office of the state government or any municipal government for information pertinent to the enumeration and inquiry herein provided for, which information shall be promptly given by said department or municipality.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved April 7, 1905.

S. F. No. 172.

CHAPTER 125.

An act amending General Statutes of 1894, § 6445, relating to manslaughter.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That § 6445 of the General Statutes of 1894, being § 160 of the penal code of this state, be and the same is hereby amended so as to read as follows:

"Section 6445. Same—In the first degree.

Relating to manslaughter.

Such homicide is manslaughter in the first degree when committed without a design to effect death, either