JOURNAL

OF THE

COUNCIL,

OF THE EXTRA SESSION

OF THE

LEGISLATIVE ASSEMBLY,

OF THE

TERRITORY OF MINNESOTA,

HELD AT ST. PAUL, MONDAY, APRIL 27TH, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

ONE THOUSAND COPIES ORDERED PRINTED.

SAINT PAUL:
EARLE S. GOODRICH, TERRITORIAL PRINTER.
PIONEER AND DEMOCRAT OFFICE.
1857.

JOURNAL

OF THE

EXTRA SESSION

OF THE COUNCIL.

MONDAY MORNING, April 27, 1857.

The Council was called to order by J. B. Brisbin, President.

Prayer by the Rev. John Penman.

The roll being called, the following members answered to their names:

Messrs. Bailly, Balcombe, Dooley, Freeborn, Humphry, Lowry, Ludden, Setzer, Stone, Thompson, Tillotson and Mr. President.

A message being announced, Mr. Gere, of the House, appeared and informed the Council that the House of Representatives was ready to proceed to business.

Mr. Setzer offered the following resolution which was read:

Whereas, Doubts are existing as to the authority of the Legislature of any Territory meeting in Extra Session, no appropriation to defray the expenses of which has been previously made; therefore,

Resolved, The House of Representatives concurring, that the two Houses adjourn *sine die*.

Mr. Lowry moved to lay the Resolution on the table

The yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Bailly, Balcombe, Dooley, Humphrey, Lowry, and Mr. President—6.

Those who voted in the negative were:

Messrs. Freeborn, Ludden, Setzer, Stone, Thompson and Tillotson—6.

The negative of the question prevailed and the motion was lost.

Mr. Setzer moved the resolution be referred to a Select Committee of three.

The yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Freeborn, Ludden, Setzer, Stone, Thompson and Tillotson—7.

Those who voted in the negative were,

Messrs. Balcombe, Dooley, Humphrey, Lowry and Mr. President—5.

The affirmative of the question prevailed, and the resolution was referred.

The President announced Messrs. Setzer, Balcombe and Bailly as the Select Committee.

On motion of Mr. Setzer, a Committee of two, consisting of Messrs. Setzer and Balcombe, was appointed to act in conjunction with a similar Committee, on the part of the House to wait upon His Excellency, the Governor, and inform him that the two Houses are now prepared to receive any communication he may have to make.

On motion of Mr. Setzer, a Committee of two, consisting of Messrs. Humphrey and Freeborn was appointed to wait upon the House and inform that body that the Council was ready to proceed to business.

On motion of Mr. Setzer the Council adjourned until to-morrow afternoon at 2 o'clock.

JOHN B. BRISBIN, President.

Attest:

CHAS. H. MIX, Assistant Secretary.

TUESDAY, APRIL 28th, 1857.

The Council met pursuant to adjournment and was called to order by the President.

The roll being called the following members answered to their names:

Messrs. Balcombe, Bassett, Dooley, Humphrey, Setzer, Thompson, Tillotson, Wales, and Mr. President.

Mr. Setzer moved that the Council adjourn.

The yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Humphry, Setzer, Thompson, Tillotson, and Mr. President.

Those who voted in the negative were,

Messrs. Bassett, Dooley, and Wales—3.

The affirmative of the question prevailed and the Council adjourned.

JOHN B. BRISBIN, President.

CHAS. H. MIX, Assisant Secretary.

WEDNESDAY, April 29th, 1857.

Council met pursuant to adjournment.

Prayer by the Chaplain.

The roll being called the following gentlemen answered to their names:

Messrs. Bailey, Balcombe, Bassett, Dooley, Freeborn, Humphry, Lowry, Ludden, Setzer, Stone, Thompson, Tillotson, Wales, and Mr. President—14.

Mr. Setzer from the Committee appointed to wait on the Governor and inform him that the Council was ready to receive any communication he may have to make, reported that they had performed that duty and received for answer that his Excellency would send in his message to-day at 11 o'clock, A. M.

A message in writing was then received from Gov. Medary, through the hands of R. A. Smith, Secretary, and accompanying documents, which were read as follows, by the Assistant Secretary:

Gentlemen of the Council and of the House of Representatives:

In pursuance of the proclamation of my predecessor, you have assembled to take into consideration matters of importance so vital to the Territory of Minnesota, as to require immediate legislation. The emergency upon which you are convened being an extraordinary one, it is presumed your proceedings will be chiefly confined to the subject designated by the Executive as requiring your action.

It is proper therefore that the accustomed recommendations from this department be limited to the same topics, unless others of urgent necessity and later occurrence be thought to demand your attention.

The present condition of the laws regulating the Territorial Courts seem to require partial revision. Under the Organic Act, the Legislature has from time to time provided for holding terms of the District Courts in each of the organized counties. At the first session of the last Congress, however, an act was passed depriving the District Judges of the several Territories of the power to hold courts at more than one place in each Judicial Distrit. In the opinion of the Supreme Judges, the laws heretofore enacted respecting the organization and jurisdiction of the District Courts, and the administration of justice therein, were not applicable to the state of things created by the act of Congress, without further legislation. The Judges therefore declined holding regular terms of the District Court, until the requisite provision should be made by the Legislature. The ensuing session, being the last held by your body, terminated before maturing the necessary relief. Since your adjournment, however, it has been ascertained that Congress, near the close of its last session, again authorized the Judges of the Supreme Court in the Territory of Minnesota "to hold court within their respective districts in the counties wherein, by the laws of said Territory, courts have been, or may be established, provided the expense thereof should be paid by such counties respectively." This doubtless was intended to remove the present difficulty; but it does not entirely restore the Courts to the condition existing prior to the interposition of Congress. It is believed to be in your power fully to complete the remedy. Immediate provision should be made for defraying the expenses of the Courts to be held in the several counties, as indicated by the act of Congress. Such further measures as may be found necessary to provide

the most expeditious and general administration of justice throughout the Territory, I submit to the wisdom of the Legislature to determine.

Herewith transmitted is a copy of the act of Congress, passed at the last session, "To authorize the people of the Territory of Minnesota to form a Constitution and State Government, preparatory to their admission into the Union on an equal footing with the original States."

The provisions of the act are explicit, requiring no explanation. They are liberal and benificent to the future State of Minnesota. It is your province to determine what legislation is required at your present session to carry the law into effect. It will devolve upon you to provide for the compensation of the members of the Constitutional Convention, and for defraying the expenses of that body. The whole subject is submitted to your disposal, in the confidence that your action will be as prompt and judicious as the interests of the Territory may demand; and that it will be in full harmony with the spirit and intent of the Enabling Act of Congress.

That Minnesota has arrived at a period in her history, when but one step on her own part will bring her upon an equal footing with the original States of the Union, must be a subject of just pride to her citizens, and awaken the admiration of the friends of political and social progress elsewhere. In her transition from a Territorial to a State government, we shall behold a striking illustration of the conservative power of Democratic institutions, and still another instance of the capability of the people to create and establish their own form of government. Happily for the people of Minnesota, the right of organizing their own institutions in their own way, may be exercised without fear of molestation or interference from any quarter. They may, in peace and tranquility, add another star to the American constellation, and soon assume the rightful position as an equal member of the confederacy, whose existence, let us hope, shall be perpetual.

An act of Congress was passed at the last session, "making a grant of land to the Territory of Minnesota in alternate sections, to aid in the construction of Railroads in said Territory," etc., a copy of which is herewith transmitted.

The acceptance and disposal of this liberal donation will inaugurate a new era in the progress of our people. It is a boon of almost inconceivable value to their future interests and welfare. But vast as may be its benefits, they will not be wholly confined to our own boundaries. By the completion of her railroads, not only will the population and wealth of Minnesota be greatly accelerated and augmented, but the best means of transportation and intercourse will be afforded, connecting the older States and the fertile and inviting Territory lying westward to the Pacific. In thus facilitating general commerce between the Eastern States and the now unpeopled West, Minnesota will be performing a gigantic part in developing the power and gteatness of the whole country, thereby evincing most properly her grateful appreciation of the munificence of Congress, and at the same time best securing to her own enjoyment its advantages.

The obligations and duties flowing from the conditions of this grant, call for the exercise of the wisest judgment on your part. Such measures should be adopted by the Legislature, in relation to this great trust, as will most speedily secure the successful prosecution of the various enterprises in contemplation. In disposing of the lands, it is of paramount moment that the public interest be constantly kept in view. The direc-

tions of the act of Congress being specific, their strict observance will be requisite in order to acquire from the general Government the title to the lands appropriated.

I would respectfully suggest for your consideration, the propriety of requiring such railroad companies as may receive portions of the grant, to pay annually, or semi-annually, into the Territorial or future State Treasury, such a per centum of the gross or net earnings of their respective roads, or such other allowance as you may deem just and reasonable.

For a few weeks past the public mind, in certain parts of the Territory, has been greatly excited, and even alarmed, by rumors of Indian depredations on our south-western borders. These rumors had their origin, so far as can be learned. in the shocking outrages recently committed upon the unfortunate settlers about Spirit Lake, in the State of Iowa. It appears that early in March last, a party of Indians said to belong to the band known as the W'ak-pe-ku-tis, made a sudden and unprovoked attack upon an isolated and unoffending colony of settlers, living in what they believed to be perfect security, and committed an indiscriminate slaughter of all the men, women and children of the settlement, numbering between forty and fifty souls. As soon as they had inflicted this terrible outrage, the savages fled, it is supposed, to the Yankton country.

The Indians who perpetrated these atrocities are outlaws from their own tribes. Their existance is incompatible with the safety of the frontier. In order to insure the speedy and certain punishment of these murderers, as well for the sake of example in future, as for the present protection of our western frontier, it may be advisable to memorialize the President of the United States to send an adequate force of mounted men to scour the country between the Minnesota and Missouri Rivers; to appoint an efficient Superintendent of Indian affairs, who will be required to recall the Indians upon their reservations, and to reside as near as possible to the Indian Territory; and to take all such other steps as may be necessary to ascertain and punish the perpetrators of the outrages at Spirit Lake, and protect the defenceless settlers on our western and southern borders.

In submitting to you, Gentlemen, my first official communication, I cannot forego the opportunity to congratulate you upon the auspicious prospects of this Territory. Rapidly approaching the day of her adoption as a State into the Union—with a soil of unsurpassed fertility—with navigable streams extending in every direction, both within and beyond her own limits, to bear upon their waters the bountiful products of an industrious and enterprising population—with all the natural resources which contribute to the wealth, prosperity, and material independence of a State—and with the assurance of an early construction of an extensive railroad system, let us hail the dawn of a bright future for Minnesota, whose interests and prosperity it should be our single aim to promote.

It will afford me sincere pleasure, as it will be my duty to co-operate with the Legislative department at all times, in whatever may be deemed calculated to preserve the well being of the whole Territory.

SAINT PAUL, April 29, 1857. S. MEDARY.

AN ACT TO AUTHORIZE THE PEOPLE OF MINNESOTA TO FORM A CONSTITUTION AND STATE GOVERNMENT, PREPARATORY TO THEIR ADMISSION INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES.

Be it enacted by the Senate and House of Representatives of the United States

of America in Congress assembled, That the inhabitants of that portion of the Territory of Minnesota which is embraced within the following limits, to wit: Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Boix des Sioux river; thence up the main channel of said river to Lake Travers; thence up the center of said Lake to the southern extremity thereof; thence in a direct line to the head of Big Stone Lake; thence through its center to its outlet; thence by a due south line to the north line of the State of Iowa; thence along the northern boundary of said State to the main channel of the Mississippi river: thence up the main channel of said river, and following the boundary line of the State of Wisconsin, until the same intersects the Saint Louis river; thence down the said river to and through Lake Superior on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British Possessions; thence up Pigeon river and following said dividing line to the place of beginning, be, and they are hereby authorized to form for themselves a Constitution and State Government, by the name of the State of Minnesota, and to come into the Union on an equal footing with the original States, according to the Federal Constitution.

SEC. 2. *And be it further enacted*, That the State of Minnesota shall have concurrent jurisdiction on the Mississippi and all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State, and any State or States now, or hereafter to be formed or bounded by the same; and said river and waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, import or toll therefor.

SEC. 3. *And be it further enacted*, That on the first Monday in June next, the legal voters in each Representative district, then existing within the limits of the proposed State, are hereby authorized to elect two delegates for each Representative to which said district may be entitled according to the apportionment for Representatives to the Territorial Legislature, which election for delegates shall be held and conducted, and the returns made, in all respects in conformity with the laws of said Territory regulating the election of representatives; and the delegates so elected shall assemble at the Capitol of said Territory, on the second Monday in July next, and first determine, by a vote, whether it is the wish of the people of the proposed State to be admitted into the Union at that time; and if so, shall proceed to form a Constitution, and take all necessary steps for the establishment of a State Government, in conformity with the Federal Constitution, subject to the approval and ratification of the people of the proposed State.

SEC. 4. *And be it further enacted*, That in the event said Convention shall decide in favor of the immediate admission of the proposed State into the Union, it shall be the duty of the United States Marshal for said Territory to proceed to take a census or enumeration of the inhabitants within the limits of the proposed State, under such rules and regulations as shall be prescribed by the Secretary of the Interior, with the view of ascertaining the number of representatives to which said State may be entitled in the Congress of the United States; and said State shall be entitled to one representative and such additional representatives as the

population of the State shall, according to the census, show it would be entitled to according to the present ratio of representation.

SEC. 5. *And be it further enacted,* That the following propositions be and the same are hereby offered to the said Convention of the people of Minnesota for their free acceptance or rejection, which, if accepted by the Convention, shall be obligatory on the United States and upon the said State of Minnesota, to wit:

First. That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said State for the use of schools.

Second. That seventy-two sections of land shall be set apart and reserved for the use and support of a State University, to be selected by the Governor of said State, subject to the approval of the Commissioner at the General Land Office, and to be appropriated and applied in such manner as the Legislature of said State may prescribe for the purpose aforesaid, but for no other purpose.

Third. That ten entire sections of land, to be selected by the Governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the Legislature thereof.

Fourth. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use; the same to be selected by the Governor thereof within one year after the admission of said State, and when so selected, to be used or disposed of on such terms, conditions, and regulations as the Legislature shall direct: Provided, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall, by this article, be granted to said State.

Fifth. That five per centum of the net proceeds of sales of all public lands lying within said State, which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the Legislature shall direct: Provided, The foregoing propositions herein offered are on the condition, that the said Convention which shall form the Constitution of said State shall provide by a clause in said Constitution, or an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents.

AN ACT MAKING A GRANT OF LAND TO THE TERRITORY OF MINNESOTA, IN ALTERNATE SECTIONS, TO AID IN THE CONSTRUCTION OF CERTAIN RAILROADS IN SAID TERRITORY, AND GRANTING PUBLIC LANDS, IN ALTERNATE SECTIONS, TO THE STATE OF ALABAMA, TO AID IN THE CONTSRUCTION OF A CERTAIN RAILROAD IN SAID STATE.

Be it enacted by the Senate and House of Representaties of the United States

of America in Congress assembled: That there be, and is hereby, granted to the Territory of Minnesota, for the purpose of aiding in the construction of Railroads, from Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood river, with a branch via Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, at such point as the Legislature of said Territory may determine—from Saint Paul and from Saint Anthony, via Minneapolis, to a convenient point of junction West of the Mississippi, to the Southern boundary of the Territory in the direction of the mouth of the Big Sioux river, with a branch, via Faribault, to the North line of the State of Iowa, West of range sixteen: from Winona, via Saint Peter, to a point on the Big Sioux river, South of the forty-fifth parallel of North latitude: also from La Crescent, via Target Lake, up the valley of Root river, to a point of junction with the last mentioned roads, East of range seventeen, every alternate section of land, designated by odd numbers, for six sections in width on each side of each of said roads and branches; but in case it shall appear that the United States, have, when the lines or routes of said roads and branches are definitely fixed, sold any sections, or any parts thereof, grantd as aforesaid, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said Territory or future State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached, as aforesaid; which lands (thus selected in lieu of those sold, and to which pre-emption rights have attached, as aforesaid, together with the sections, and parts of sections, designated by odd numbers as aforesaid, and appropriated as aforesaid,) shall be held by the Territory or future State of Minnesota, for the use and purpose aforesaid; *Provided,* That the land to be so located shall, in no case, be further than fifteen miles from the lines of said roads or branches, and selected for and on account of each of said roads or branches; *Provided further,* That the lands hereby granted for and on account of said roads and branches, severally, shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever; *And provided, further,* That any and all lands heretofore reserved to the United States, by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of said railroads and branches through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SECTION 2 *And be it further enacted,* That the sections and parts of sections of land which by such grant shall remain to the United States, within six miles on each side of said roads and branches, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale at the increased price.

SEC. 3. *And be it further enacted*, That the said lands hereby granted to the said Territory or future State shall be subject to the future disposal of the Legislature thereof for the purposes herein expressed, and no other; and the said railroads and branches shall be and remain public highways for the use of the Government of the United States, free of toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted*, That the land hereby granted to said Territory or future State shall be disposed of by said Territory or future State only in the manner following, that is to say: that a quantity of land not exceeding one hundred and twenty sections for each of said roads and branches, and included within a continuous length of twenty miles of each of said roads and branches, may be sold; and when the Governor of said Territory or future State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads or branches is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads and branches having twenty continous miles completed, as aforesaid, and included within a continous length of twenty miles of each of such roads or branches, may be sold; and so from time to time, until said roads and branches are completed; and if any of said roads or branches is not completed within ten years no further sale shall be made, and the lands unsold shall revert to the United States.

SEC. 5. *And be it further enacted*, That the United States Mail shall be transported over said roads and branches, under the direction of the Post Office Department, at such price as Congress may by law direct; *Provided*, That until such price is fixed by law the Postmaster General shall have the power to determine the same.

SEC. 6. *And be it further enacted*, That in case any lands on the line of said roads or branches are within any Indian Territory, no title to the same shall accrue, nor shall the same be entered upon the authority of said Territory or State until the Indian title to the same shall have been extinguished.

SEC. 7. *And be it further enacted*, That there be, and is hereby, granted to the State of Alabama, for the purpose of aiding in the construction of a railroad "from the line of Georgia on the Chattahoochee river, to the city of Mobile, Alabama, through the counties of Henry, Dale, Coffee, Covington, Conecuh, Baldwin and Mobile, and a branch railroad from Eufaula to Montgomery, through the counties of Barbour, Pike, Macon, and Montgomery," chartered by the State of Alabama, by an act entitled "an act to authorize the Savannah and Albany Railroad Company to extend their railroad from the line of Georgia, on the Chattahoochee river, to the city of Mobile, Alabama, and to extend a branch road from Eufaula to Montgomerey," approved December twentieth, eighteen hundred and fifty-three, alternate sections of the public lands to the same extent, and in the same manner, and upon the same limitations and restrictions in every respect as was granted to aid in the construction of other railroads under an act of Congress entitled "An act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State)," approved June three, eighteen hundred and fifty-six.

On motion of Mr. Setzer, three hundred copies of the message and accompanying documents, were ordered printed for the use of the Council.

On motion of Mr. Lowry, R. F. Houseworth was elected Secretary pro tem, of the Council, who being present was duly sworn by the President.

On motion of Mr. Setzer the Council adjourned until to-morrow at 2 o'clock, P. M.

JOHN B. BRISBIN, President.

Attest:

R. F. HOUSEWORTH, Sec'y. *pro tem.*

THURSDAY, APRIL 30, 1857.

Council met pursuant to adjournment.

The roll being called the following members answered to their names:

Messrs. Bailly, Bassett, Dooley, Freeborn, Humphrey, Lowry, Setzer, Thompson, Tillotson, Wales and Mr. President—11.

The reading of the Journal of yesterday commenced, and on motion of Mr. Tillotson, the reading of so much of it as embraces the Governor's Message was dispensed with. The remainder was read and approved.

On motion of Mr. Lowry, the Council then adjourned until Monday at 2 o'clock P. M.

JOHN B. BRISBIN, President.

Attest:

R. F. HOUSEWORTH, Secretary, *pro tem.*

MONDAY, MAY 4th, 1857.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called, the following members answered to their names:

Messrs. Balcombe, Bassett, Dooley, Freeborn, Humphrey, Rolette, Setzer, Tillotson, Wales and Mr. President.

The Journal of the proceedings of Wednesday last, was read and approved.

On motion of Mr. Setzer the Message of His Excellency, the Governor, was read.

Mr. Balcombe moved that the Council adjourn.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Bassett, Humphrey and Wales.

Those who voted in the negative were,

Messrs. Dooley, Freeborn, Setzer, Stone, Thompson, Tillotson and Mr. President.

Yeas, 4. Nays, 7.

So the negative of the question prevailed and the Council refused to adjourn.

On motion of Mr. Setzer, so much of the Message of His Excellency, the Governor, as relates to the Grant of Lands, made by Congress to aid in the construction of Railroads in the Territory, was referred to a Select Committee of five.

On motion of Mr. Freeborn, said Committee were instructed to act in conjunction with a similar Committee on the part of the House.

On motion of Mr. Freeborn, so much of said Message as relates to Indian outrages, was referred to a Select Committee of three, with instructions to act in conjunction with a similar Committee on the part of the House.

The Chair appointed Messrs. Freeborn, Humphrey and Dooley said Committee.

Mr. Stone gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce a bill or bills to dispose of the various grants of lands donated the Territory of Minnesota, to aid in the construction of Railroads, by an act of Congress, approved March 3d, 1857; and for other purposes.

On motion of Mr. Freeborn, so much of the Message of His Excellency, the Governor, as relates to Courts, in the Territory, was referred to the Committee on the Judiciary.

On motion of Mr. Setzer, so much of the Message of His Excellency, as relates to a Constitutional Convention and making an appropriation to defray the expenses of the same, was referred to the Committee on Territorial expenditures.

On motion of Mr. Thompson, the Council adjourned.

JOHN B. BRISBIN, President.

Attest:

L. Smith, Secretary.

TUESDAY MORNING, May 5th, 1857.

The Council met pursuant to adjonrnment and was called to order by Mr. Freeborn at the request, in writing, of the Pretident, who was absent.

The roll being called the following members answered to their names Messrs Dooley, Freeborn, Ludden, Setzer, Tillotson, and Wales.

There not being a quorum present, on motion of Mr. Setzer the Council adjourned.

L. SMITH, Secretary.

WEDNESDAY MORNING, MAY 6th, 1857.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called the following members answered to their names:

Messrs. Bailey, Balcombe, Dooley, Humphrey, Lowry, Setzer, Stone, Thompson, Tillotson, and Mr. President.

The Journals of the proceedings of the Council on Monday and Tuesday last, were severally read and approved.

The Chair announced Messrs. Ludden, Balcombe, Thompson, Wales, and Freeborn, to constitute the Select Committee of five upon so much of the message of his Excellency the Governor, as relates to the grant of lands to the Territory for Railroad purposes.

On motion of Mr. Lowry the Council adjourned.

J. B. BRISBIN, President.

Attest:

L. SMITH, Secretary.

THURSDAY MORNING, MAY 7th, 1857.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called the following members answered to their names:

Messrs. Bailley, Balcombe, Bassett, Dooley, Freeborn, Humphry, Lowry, Setzer, Stone, Thompson, Wales, and Mr. President.

The Journal of the proceedings of yesterday was read and approved.

Mr. Humphrey presented the petition of R. B. Mason and others, it relation to the Central Pacific Railroad, the reading of which was commenced, when on motion of Humphrey the further reading of the petition was dis-

pensed with and the same was referred to the Committee on Railroads and Railroad land grants.

Agreeably to previous notice and by leave, Mr. Stone introduced C. F. No. 1, a Bill for an Act to grant certain lands to the Transit Railroad Company.

On motion of Mr. Stone, the rules were suspended and said bill was read a first and second time by its title.

The following message was then received from the House of Representatives by their Clerk:

MR. PRESIDENT: The House of Representatives have passed Joint Resolution No. 1, in relation to the protection of settlers on the southern frontier of Minnesota.

Joint Resolution No. 2, in relation to the removal of the Indians to their reservations.

Memorial No. 1, to the President of the United States.

And a Bill appropriating money to be expended for the purpose of releasing certain female persons now in bondage among the Indians.

All of which are herewith transmitted, and in the passage of which, the concurrence of the House is solicited.

The first resolution was read a first and second time and on motion of Mr. Setzer, referred to the Committee on Indian outrages.

The second resolution was read a first and second time, and on motion of Mr. Bassett the rules of the Council were suspended and the resolution was in order for a third reading and passage at that time.

The resolution was then read a third time and passed.

The Memorial to the President of the United States was read a first and second time.

On motion of Mr. Lowry, the rules of the Council were so far suspended that the Memorial was in order for a third reading and passage at that time.

Said Memorial was then read a third time and passed.

Said Bill was then read a first and second time.

Mr. Bassett moved that the rules of the Council be suspended and that the bill pass.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailey, Bassett, Dooley, Freeborn, Humphry, Lowry, Stone, Tillotson, and Wales.

Those who voted in the negative were.

Mr. Setzer and Mr. President.

Yeas 9, nays 2.

So the affirmative of the question prevailed, the rules were suspended and the bill passed.

A message was received from his Excellency the Governor, by R. A. Smith one of his messengers.

On motion of Mr. Rolette the Council adjourned.

J. B. BRISBIN, President.

Attest:

L. SMITH, Secretary.

FRIDAY MORNING, MAY 8th, 1857.

The Council met pursuant to adjournment and was called to order by the President.

The roll being called the following members answered to their names: Messrs. Bailley, Bassett, Dooley, Freeborn, Rolette, Setzer, Stone, and Mr. President.

On motion of Mr. Rolette, the reading of the Journal of yesterday was dispensed with.

On motion of Mr. Rolette the Council adjourned until Monday next at 2 o'clock, P. M.

J. B. BRISBIN, President.

Attest:
L. SMITH, Secretary.

MONDAY, P. M., MAY 11, 1857.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called the following members answered to their names: Messrs. Balcombe, Bassett, Dooley, Humphrey, Lowry, Rolette, Setzer, Stone, Thompson, Tillotson, Wales, and Mr. President.

The Journal of Friday last was read and approved.

Mr. Rolette moved that the Council adjourn till to-morrow at 2 o'clock P. M.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the votes was as follows:

Those who voted in the affirmative were,

Messrs. Rolette, Setzer, Thompson, and Tillotson.

Those who voted in the negative were,

Messrs. Balcombe, Bassett, Dooley, Humphrey, Lowry, Stone, Wales, and Mr. President.

Yeas 4, and Nays 8.

So the negative of the question prevailed and the Council refused so to adjourn.

Mr. Rolette moved that the Council adjourn.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Freeborn, Rolette, Setzer, Thompson, and Tillotson.

Those who voted in the negative were,

Messrs. Balcombe, Baasett, Dooley, Humphrey, Lowry, Stone, Wales, and Mr. President.

Yeas 5, and Nays 8.

So the negative of the question prevailed and the Council refused to adjourn.

Mr. Balcombe moved that the Council resolve themselves into a Committee of the Whole, for the purpose of considering Council File No. 1, a Bill for an Act to grant certain lands to the Transit Railroad Company.

Upon the question of agreeing to said motion the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Bassett, Dooley, Humphrey, Lowry, Stone, Wales, and Mr. President.

Those who voted in the negative were,

Messrs. Freeborn, Rolette, Setzer, Thompson, and Tillotson.

Yeas 8, and Nays 5.

So the affirmative of the question prevailed and the Council resolved themselves into a Committee of the Whole, for the purpose of considering said Bill.

Mr. Bassett in the Chair.

During the setting of the Committee, a message was announced from the House of Representatives.

The President resumed the Chair and the message was received.

The Committee then proceeded in the consideration of the bill before them, and after some further time spent in Committee of the Whole, the Committee rose and the President resumed the Chair.

Mr. Bassett as Chairman of the Committee of the Whole reported Council File No. 1, with sundry amendments.

The first amendment having been read Mr. Setzer moved to amend the same, by inserting before the word "St. Peter," the words "Traverse des Sioux and."

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Freeborn, Rolette, Setzer, and Thompson.

Those who voted in the negative were,

Messrs. Balcombe, Bassett, Dooley, Humphrey, Lowry, Stone, Tillotson, Wales, and Mr. President.

Yeas 4, and Nays 9.

So the negative of the question prevailed and the amendment to the amendment was rejected.

Upon the question of agreeing to the first amendment proposed by the Committee of the Whole, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Bassett, Dooley, Humphrey, Lowry, Stone, Thompson, Tillotson, Wales, and Mr. President.

Those who voted in the negative were,

Messrs. Freeborn, Rolette, and Setzer.

Yeas 10, and Nays 3.

So the affimative of the question prevailed and said amendment was adopted.

A call of the Council was demanded by Mr. Setzer, and the roll being called Messrs. Bailey and Ludden were absent.

The President ordered the Sergeant-at-Arms to report Messrs. Bailly and Ludden in their seats.

Mr. Bassett moved that all further proceedings under the call of the Council be dispensed with.

Upon the question of agreeing to said motion the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Bassett, Dooley, Humphrey, Lowry, Stone, and Wales.

Those who voted in the negative were,

Messrs. Freeborn, Rolette, Setzer, Thompson, Tillotson, and Mr. President.

Yeas 7, and Nays 6.

Two thirds not voting in the affirmative the negative of the question prevailed and the Council refused to dispense with further proceedings under the call.

Mr. Bassett moved that the Council adjourn, and upon the question of agreeing to said motion the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bassett, Freeborn, Rolette, Setzer, Thompson, Tillotson, and Mr. President.

Those who voted in the negative were,

Messrs. Balcombe, Dooley, Humphrey, Lowry, Stone, and Mr. President.

Yeas 7, and Nays 6.

So the affirmative of the question prevailed and the Council adjourned.

J. B. BRISBIN, President.

Attest:

L. Smith, Secretary.

TUESDAY MORNING, May 12, 1857.

The Council met pursuant to adjournment and was called to order by the President.

The roll being called, the following members answered to their names:

Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry, Setzer, Stone, Thompson, Tillotson and Mr. President.

Mr. Bassett moved that all further proceedings under the call of the Council, which was pending at the time of the adjournment on yesterday, be dispensed with, and upon the question of agreeing to said motion, the

yeas and nays were called for and ordered, and the rusult of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry Stone, Thompson, Tillotson and Mr. President.

Those who voted in the negative were,

Messrs. Rolette and Setzer.

Yeas 11. Nays 2.

So the affirmative of the question prevailed and all further proceedings under the call were dispensed with.

The Journal of the proceedings of the Council on yesterday was read and approved.

The Council then resumed the consideration of the report of the Committee of the Whole, upon Council File, No. 1, A Bill Granting a portion of the Railroad lands to the Transit Railroad Company.

The second amendment proposed by said Committee was read and adopted by the Council.

The third amendment being a substitute for section eight of the bill, was read.

Mr. Balcombe offered a substitute for the amendment proposed by the Committee which was read, and agreed to by the Council.

Upon the question of agreeing to said amendment as amended, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Lowry, Stone, Thompson, Tillotson, Wales and Mr. President.

Those who voted in the negative were,

Messrs. Humphrey, Rolette and Setzer.

Yeas 11. Nays 3.

So the affirmative of the question prevailed and the amendment was adopted as the eighth section of said bill.

The fourth amendment proposed by the Committee, inserting a new section to be numbered nine, was read.

Mr. Tillotson offered a substitute for the same, which was read and adopted by the Council as the ninth section of the bill.

On motion of Mr. Freeborn, the tenth section was so amended as to make the act take effect upon the adjournment of the present session of the Legislature.

A message was received from the House of Representatives by their Clerk.

Mr. Humphrey moved to amend the first section by inserting the words "Owatonna and" before the words "Saint Peter."

Upon the question of agreeing to said amendment, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Humphrey, Setzer and Thompson.

Those who voted in the negative were,

Messrs. Bailly, Balcombe, Bassett, Freeborn, Lowry, Rolette, Stone, Tillotson, Wales and Mr. President.

Yeas 4. Nays 10.

So the negative of the question prevailed and the amendment was rejected.

Upon the question, shall the bill be engrossed and read a third time? the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry Stone, Thompson, Tillotson, Wales and Mr. President.

Those who voted in the negative were,

Messrs. Rolette and Setzer.

Yeas 12. Nays 2.

So the affirmative of the question prevailed and the bill was ordered to be engrossed and read a third time.

Mr. Bassett gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill to grant certain lands to the Root River Valley and Southern Minnesota Railroad Company. Also to the Minneapolis and Cedar Valley Railroad Company.

Mr. Freeborn gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce a bill to incorporate the Minnesota Central Railroad Company

Mr. Freeborn, from the Select Committee to whom was referred Joint Resolution No. 1, H. of R., relative to the protection of white settlers on the southern frontier of Minnesota, reported the same without amendment and with a recommendation that it pass.

The following Message received from the House of Representatives on yesterday, was read:

MR. PRESIDENT:—The House of Representatives have passed No. 1, H. of R., A bill for an act to accept the Trust conferred upon the Territory of Minnesota, by an act of Congress of March 3d, A. D., 1857, in which the concurrence of the Council is solicited.

Said House Bill No. 1, was then read a first and second time.

The following Message from the House received this morning was read:

MR. PRESIDENT:—The House of Representatives have passed No. 7, H. of R., a bill to incorporate the Town of Traverse; No. 8, H. of R., a bill to incorporate the town of Traverse des Sioux; No. 6, H. of R., a bill to incorporate the town of Traverse des Sioux City, and No. 3, H. of R., a bill to provide for the payment of the expenses of the Convention to form a Constitution for the State of Minnesota.

All which are herewith transmitted, and the concurrence of the Council is solicited therein.

Said bill, No. 7, H. of R., was read a first and second time.

Mr. Balcombe moved that the rules of the Council, be so far suspended that the bill be in order for its third reading and passage at the present time.

Upon the question of agreeing to said motion the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Dooley, Freeborn, Humphrey, Lowry, Rolette, Setzer, Stone, Thompson and Mr. President.

Those who voted in the negative were,

Messrs. Bassett and Wales.

Yeas 11. Nays 2.

So the affirmative of the question prevailed and the rules were thus suspended.

Said bill was then read a third time and passed.

Said House Bill, No. 6, was then read a first and second time.

On motion of Mr. Balcombe, the rules of the Council were so far suspended that said bill was in order for a third reading by title, and passage at that time.

The Bill was then read a third time by its title and passed.

Said House Bill, No. 8, was read a first and second time.

On motion of Mr. Humphrey, the bill was amended by inserting the enacting clause.

On motion of Mr. Balcombe, the rules of the Council were so far suspended that the bill was in order for a third reading by its title and for passage at that time.

The said bill was then read a third time by its title and passed as amended.

On motion of Mr. Bassett, the Council adjourned till to-morrow at 2 o'clock, P. M.

JOHN B. BRISBIN, President.

Attest:

L. Smith, Secretary.

WEDNESDAY P. M., May 13, 1857.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called the following members answered to their names: Messrs. Bailly, Balcombe, Dooly, Freeborn, Thompson, Lowry, Rolette, Setzer, Stone, Thompson, Tillotson, Wales, and Mr. President.

The Journal of the proceedings of the Council on yesterday was read and approved.

Mr. Rolette by leave introduced C. F., No. 2, a Bill to incorporate certain towns in this Territory.

C. F., No. 3, a Bill for an Act to provide for locating and establishing certain Territorial roads in the Territory of Minnesota.

C. F., No. 4, a Bill to incorporate certain towns in this Territory, and provide for town governments within the same.

And C. F., No. 5, a Bill for an Act to grant the right to establish Ferries and maintain the same to certain persons in this Territory.

Mr. Lowry by leave introduced C. F., No. 6, a Bill to establish certain counties and for other purposes.

C. F., No. 7, a Bill for an Act to incorporate Minnesota Western Express Company.

And C. F., No. 8, a Bill for an Act to annex a portion of the county of Mower to the county of Olmsted.

Mr. Freeborn by leave introduced C. F., No. 9, a Bill for an Act to incorporate the Minnesota Air Line Railroad Company.

And C. F., No. 11, a Bill to incorporate the Minnesota Central Railroad Company.

Mr. Humphrey, by leave introduced C. F., No. 10, a Bill for an Act to grant certain lands to the Root River Valley and Southern Minnesota Railrond Company, also to the Minneapolis and Cedar Valley Railroad Company, and to execute the trust created by an Act of Congress entitled an act making a grant of lands to the Territory of Minnesota in alternate sections to aid in the construction of certain Railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State, approved March 3, 1857.

On motion of Mr. Lowry the rules of the Council were suspended, and each of said Bills were read a first and second time by their respective titles.

Mr. Balcombe in the Chair.

Mr. Brisbin gave notice that on to-morrow or some future day, he will introduce a Bill to incorporate the Minnesota and Pacific Railroad Company, and granting lands to the said Company for the purpose of constructing the road from Stillwater via St. Paul and St. Anthony, to a point between the Big Stone Lake and mouth of Sioux Wood River, with a branch via St. Cloud and Crow Wing, to the navigable waters of the Red River of the North.

The President in the Chair.

Mr. Setzer gave notice of a motion for leave to introduce a Bill for an Act to dispose of the various grants of land given by the general government to aid in the construction of railroads within the Territory of Minnesota.

On motion of Mr. Humphrey the vote of the Council on yesterday passing H. of R., No. 7, to Bill to incorporate the town of Travers was reconsidered.

On motion of Mr. Humphrey by the unanimous consent of the Council the Bill was amended by inserting the enacting clause.

On motion of Humphrey the rules of the Council were suspended and the Bill was then read a third time and passed as amended.

On motion of Mr. Setzer the Council adjourned.

J. B. BRISBIN, President.

Attest:

L. SMITH, Secretary.

THURSDAY MORNING, MAY 14, 1857.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Chaplain.

The roll being called, the following members answered to their names: Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey Lowry, Rolette, Setzer, Stone, Tillotson, Wales and Mr. President.

The Journal of the proceedings of the Council on yesterday, was read and approved.

Mr. Stone, by leave, introduced C. F. No. 12, a Bill to organize the St. Augusta Boom Company.

On motion of Mr. Setzer the rules of the Council were suspended, and said Bill was read a first and second time, by its title.

Mr. Rolette, by leave, introduced C. F. No. 13, a Bill to incorporate the town of Mankato.

On motion of Mr. Setzer, the rules of the Council were suspended, and the Bill was read a first and second time by its title.

Mr. Rolette from the Joint Committee on Enrolled Bills, reported that said Committee had examined and found correctly enrolled a House Bill making an appropriation to be expended for the relief of certain females, now held as captives by one of the bands of Sioux Indians. House Memorial No. 1, to the President of the United States, and House oint resolution No. 2, in relation to the removal of Indians to the reservations.

Mr. Thompson, from the Committee on Engrossed Bills, reported as corectly engrossed the following Bill:

C. F. No. 1. a Bill for an act to grant certain Lands to the Transit Railroad Company, and to execute the trust created by an act of Congress entitled "An Act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain Railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State." Approved March 3d, 1857.

C. W. THOMPSON, } Com't.
B. F. TILLOTSON, }

On motion of Mr. Setzer, the Council went into executive session upon a communication from His Excellency, the Governor, and after some time spent therein, the Council Chamber was opened and the Council resumed the business of Legislation.

House Bill No. 3, a Bill for an act to provide for the payment of the expenses of a Constitutional Convention, was read a first and second time.

On motion of Mr. Setzer, the Bill was referred to a select committee of three.

The Chair announced Messrs. Setzer, Freeborn and Dooley, said Committee.

C. F. No. 1, a Bill for an act granting certain lands to the Transit Railroad Company, and to execute the trust created by an act of Congress entitled "An Act making a grant of land to the Territory of Minnesota, in

alternate sections, to aid in the construction of certain Railroads, in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State," approved March 3d, 1857—was read a third time.

On motion of Mr. Thompson, several verbal amendments were made to the Bill with the unanimous consent of the Council.

Upon the question of the passage of the Bill, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry, Stone, Thompson, Tillotson, Wales and Mr. President.

Mr. Setzer voted in the negative.

Yeas 12. Nays 1.

So the affirmative of the question prevailed and the Bill passed.

Mr. Setzer moved to amend the title of the Bill by substituting the words, "A Bill for an Act to enable St. Paul and the Transit Railroad Company to swindle the Territory of Minnesota and for other purposes."

Upon the question of agreeing to said amendment, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Mr. Setzer voted in the affirmative.

Those who voted in the negative were Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry, Stone, Thompson, Tillotson, Wales and Mr. President.

Yea 1. Nays 12.

So the negative of the question prevailed, and the amendment was rejected.

The original title was then agreed to by the Council.

On motion of Mr. Thompson, the Council resolved themselves into a Committee of the Whole, for the purpose of considering C. F. No. 10, and House Bill No 1, and House joint resolution No. 1.

Mr. Setzer in the Chair.

After some time spent in Committee of the Whole the Committee rose, and the President resumed the Chair.

Mr. Setzer, as Charirman of the Committee of the Whole, reported House Bill No. 1, a Bill to accept the grant of lands made by Congress, and House joint resolution No. 1, in relation to protection of white settlers in Southern Minnesota without amendment and with recommendatio s that they pass.

Said Bill and Resolutions were severally ordered to be read a third time.

Mr. Setzer from the same Committee further reported that the Committee of the Whole have had under consideration C. F. No. 10, a Bill to grant certain lands to the Root River Valley and Southern Minnesota Railraad Company, and also to the Minneapolis and Cedar Valley Railroad Company, and other purposes, and had made progress therein, but not having completed the same, the Committee asked leave to sit again.

On motion of Mr. Setzer, leave was granted.

On motion of Mr. Rolette, the Council adjourned.

J. B. BRISBIN, President.

Attest.

L. SMITH, Secretary.

FRIDAY MORNING, MAY 15th, 1857.

The Council met pursuant to adjournment and was called to order by the President.

The roll being called the following members answered to their names: Messrs. Bailly, Dooley, Freeborn, Humphrey, Lowry, Setzer, Stone, Thompson, Tillotson, Wales, and Mr. President.

The Journal of the proceedings of the Council of yesterday was read and approved.

A message was received from the House of Representatives by their Clerk.

Mr. Dooley, by leave, introduced C. F. No. 14, an Act to incorporate the town of Buffalo.

Mr. Thompson, by leave, introduced C. F. No. 15, a Bill to encourage the erection of mill dams and mills.

Mr. Humphrey, by leave, introduced C. F. No. 16, a Bill for "an Act granting to Lewis A. Thomas, and Austin Adams, their heirs &c., a charter to establish and keep a ferry across the Missouri River."

And C. F. No. 17, a Bill for an Act to locate a Territorial Road from the Big Sioux River to the Missouri River.

Mr. Bassett. by leave, introduced C. F. No. 18, a Bill for an Act to incorporate the Mississippi and Rum River Boom Company.

Mr. Balcombe, by leave introduced C. F. No. 19, a Bill relative to an improvement in the city of St. Paul.

On motion of Mr. Humphrey the rules of the Council were so far suspended that all bills introduced this morning be read a first and second time by their respective titles.

Said Bills were then thus read.

Mr. Stone gave notice that on to-morrow or some future day, he would ask leave to introduce a Bill to legalize the acts of the county officers of the counties of Morrison and Benton

Also a Bill to incorporate the town of Manhattan.

Mr. Humphrey gave notice that on to-morrow or some future day he will ask leave to introduce a Bill to incorporate the town of Redstone.

Also to lay out and to alter certain Territorial Roads in the Territory.

Mr. Wales gave notice that on to-morrow or some future day he will ask leave to introduce a Bill to organize the county of Anoka.

Mr. Rolette from the Joint Committee on Enrolled Bills, reported that said Committee had examined and found correctly enrolled an Act to incorporate the town of Traverse des Sioux, and an Act to incorporate the town of Traverse des Sioux City.

Mr. Bassett moved that the rules of the Council be suspended and C. F. No. 18, a Bill for an Act to incorporate the Mississippi and Rum River Boom Company, be in order for a third reading and passage at the present time.

Upon the question of agreeing to said motion the yeas and nays were called for and ordered, and the result of the vote was as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Bassett, Dooley, Humphrey, Lowry, Rolette, Setzer, Stone, Tillotson, and Wales.

Mr. President voted in the negative.

Yeas 10, nays 1.

So the affirmative of the question prevailed and the rules of the Council were thus suspended.

Said Bill was then read a third time and passed.

The following message received from the House of Representatives this morning, was read :

"Mr. President : The Speaker of the House has signed,

A Memorial to the President of the United States.

A Joint Resolution relative to the removal of the Indians.

A Joint Resolution to appropriate money to expend in the release of certain prisoners.

A Bill to incorporate the town of Traverse des Sioux.

A Bill to incorporate the town of Traverse des Sioux City.

The House have also passed Bill No. 24, H. of R., authorizing the Territorial Treasurer to issue bonds for certain purposes, in which the concurrence of the Council is solicited."

The bills, resolutions and memorial which had been signed by the Speaker, were then signed by the President.

Said House Bill No. 24, was read a first and second time.

House Bill No. 1, a Bill for an Act to accept the grant of lands made to the Territory of Minnesota, was read a third time and passed.

A message was received from the House of Representatives by their Clerk.

House Joint Resolution No. 1, relative to the protection of white settlers on the southern frontier of Minnesota, was read a third time and passed.

The Chair announced the next order of business to be the consideration of C. F. No. 10, in accordance with the rules of the Council, and the Council resolved themselves into a Committee of the Whole for the purpose of proceeding in the consideration of C. F. No. 10, pursuant to leave granted on yesterday.

Mr. Setzer in the Chair.

After sometime spent in Committee of the Whole, the Committee rose and the President resumed the Chair.

Mr. Setzer as Chairman of the Committee of the Whole reported said C. F. No. 10, with sundry amendments.

On motion of Mr. Setzer the several amendments proposed by the Committee of the Whole, were adopted by the Council.

Mr. Dooley moved further to amend the Bill by inserting in line 14, in section 2, after the word "via" and before "Belle Plain," the word "Louisville."

Upon the question of agreeing to said amendment the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Humphrey, Lowry, Rolette, and Stone.

Those who voted in the negative were,

Messrs. Bailly, Balcombe, Bassett, Freeborn, Setzer, Thompson, Tillotson, Wales, and Mr. President.

Yeas 5, nays 9.

So the negative of the question prevailed and the said amendments were rejected.

Mr. Dooley moved to amend the Bill by inserting before the words "Belle Plaine," the word "Jordan City."

And upon the question being put, it was decided in the negative and the amendment was rejected.

Mr. Bassett moved to amend section 6, by inserting in line 6, after the word "River" the words "said point of junction to be in the county of Dakota from two to four miles from Mendota in a southerly direction."

Upon the question of agreeing to said amendment, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Dooley, Freeborn, Humphrey, Rolette, Wales, and Mr. President.

Those who voted in the negative were,

Messrs. Bailly, Bassett, Setzer, Stone, Thompson, and Tillotson.

Yeas 7, nays 6.

So the affirmative of the question prevailed and the amendment was adopted by the Council.

Mr. Rolette from the Joint Committee on Enrolled Bills, reported that said Committee had examined and found correctly enrolled, House Bill No. 7, a bill for an Act to incorporate the town of Traverse.

On motion of Mr. Setzer the rules of the Council were suspended and the following message received from the House this forenoon, was read.

Mr. President: The Speaker has signed House Bill No. 7, a bill for an Act to incorporate the town pf Traverse, reported as correctly enrolled by the Committee on Enrolled Bills.

Said Bill was then signed by the President.

Mr. Freeborn moved to adjourn.

Mr. Rolette moved to amend the motion by adding the words "until 2 o'clock, P. M., on Monday next."

Upon the question of agreeing to said amendment, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Rolette, and Setzer.

Those who voted in the negative were,

Messrs. Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry, Ludden, Stone, Thompson, Tillotson, Wales, and Mr. President.

Yeas 3, nays 12.

So the negative of the question prevailed, and the amendment was rejected.

Mr. Freeborn modified his motion so as to adjourn to to-morrow at two o'clock, P. M.

The motion as modified was then adopted, and the Council thus adjourned.

J. B. BRISBIN, President.

Attest:

L. SMITH, Secretary.

SATURDAY P. M., MAY 16th, 1857.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called, the following members answered to their names:

Messrs. Bailly, Balcombe, Freeborn, Humphrey, Lowry, Ludden, Rolette, Setzer, Stone, Thompson, Tillotson, Wales and Mr. President.

The reading of the Journal of the proceedings of the Council, on yesterday, was commenced, and on motion of Mr. Rolette, the further reading of the Journal was dispensed with.

Mr. Balcombe, by leave, introduced C. F., No. 20, a bill for an act to incorporate the town of Endion.

C. F. No. 21, a Bill for an act to authorize the Regents of the Minnesota University to borrow money.

And C. F. No. 22, a Bill for an act to incorporate the Minnesota Point and Knife River Plank Road Company.

Mr. Setzer, by leave, introduced C. F. No. 23, a Bill for an act to organize the County of Manomin.

Mr. Stone, agreeable to previous notice, and by leave, introduced C. F. No. 24, a Bill for an act to legalize the acts of the County officers in the Counties of Benton and Morrison.

Mr. Balcombe in the Chair.

On motion of Mr. Thompson the rules of the Council were suspended and each of said bills were read a first and second time by their respective titles.

Mr. Rolette, by leave, in troduced C. F. No. 1, a Memorial to the President of the United States in relation to making the Prairie du Chein Postoffice a distributing office which was read a first and second time.

Mr. Rolette moved that the rules of the Council be suspended and said Memorial read a third time.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Dooley, Freeborn, Humphrey, Rolette, Setzer, Stone, Thompson, Tillotson, Wales and Mr. President.

Mr. Lowry voted in the negative.

Yeas 12. Nay 1.

So the affirmative of the question prevailed and the rules were suspended, and said memorial was read a third time.

Upon the question of agreeing to the passage of said Memorial, the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Dooley, Freeborn, Humphrey, Rolette, Setzer, Stone, Thompson, Tillotson, Wales and Mr. President.

Mr. Lowry voted in the negative.

Yeas, 12. Nay, 1.

So the affirmative of the question prevailed and the Memorial passed.

Mr. Humphrey, by leave, introduced C. F. No. 2, a Memorial of the Legislative Assembly of the Territory of Minnesota, to the Post Master General of the United States, which was read a first and second time.

Mr. Lowry introduced the following resolution:

Resolved, That the Secretary of the Council be authorized to furnish himself and Assistant and the members of the Council with stationery.

Debate arising thereon, the resolution was laid over in accordance with the fifty-eighth rule of the Council.

Mr. Rolette gave notice that he would, on Monday next, or some future day, ask leave to introduce a bill to incorporate the County of Glencarrie.

Mr. Thompson from the Committee on Engrossed Bills, reported the following bills as correctly engrossed:

C. F. No. 10, a Bill to grant certain lands to the Root River Valley and Southern Minnesota Railroad Company.

Also to the Minneapolis and Cedar Valley Railroad Company, and to execute the Trust created by an act of Congress, entitled "An Act making a grant of lands to the Territory of Minnesota, in alternate sections to aid in the construction of certain Railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State, "approved March 3d, 1857.

C. W. THOMPSON, }
B. F. TILLOTSON, } Committee.

Mr. Setzer, from the Select Committee to whom was referred House Bill No. 3, a bill for an act to provide for the payment of the expenses of the Convention to form a Constitution for the State of Minnesota, in accordance with an act of Congress, approved March 3, 1857, reported said bill with sundry amendments, inserting sections one and two, changing the numbers of the sections in the original bill and adding section seven.

Upon the question of agreeing to the said amendments the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Freeborn, Humphrey, Rolette, Setzer, Stone, Tillotson, Wales and Mr. President.

Mr. Balcombe voted in the negative.

Yeas 9. Nays 1.

So the affirmative of the question prevailed, and the amendments were adopted.

The Joint Committee on Enrolled Bills made the following report:

"The Joint Committee on Enrolled Bills have this day presented to His Excellency, the Governor, for his approval and signature, the following Memorial, Joint Resolution and Bills.

House Memorial No. 1, to the President of the United States.

House Joint Resolution, No. 2.

A House Bill appropriating money to be expended in procuring the release of certain females now captives among the Indians.

And three House Bills, incorporating the towns of Traverse, Traverse des Sioux and Traverse des Sioux City.

JOSEPH ROLETTE, } Committee.
M. G. THOMPSON, }

Mr. Rolette moved that the vote of yesterday by which C. F. No. 10, was ordered to be engrossed and read a third time, be reconsidered.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Dooley, Freeborn, Lowry, Ludden, Rolette, Setzer, Stone, Wales and Mr. President.

Those who voted in the negative were,

Messrs. Humphrey, Thompson and Tillotson.

Yeas 11. Nays 3.

So the affirmative of the question prevailed and said vote was reconsidered.

Mr. Bailly moved to amend the Bill by inserting in the fourteenth section, a clause requiring the Minneapolis and Cedar Valley Railroad Company to build a branch road to Hastings.

Upon the question of agreeing to said amendment, the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Humphrey, Lowry, Ludden, Rolette, Setzer, Stone and Wales.

Those who voted in the negative were,

Messrs. Dooley, Freeborn, Thompson, Tillotson and Mr. President.

Yeas 9. Nays 5.

So the affirmative of the question prevailed and the amendment was adopted.

A message was received from the House of Representatives by their Clerk.

Mr. Rolette moved to amend said bill, C. F. No. 10, by striking out in the sixth section, the words, "Said point of Junction to be in the county of Dakota, from two to four miles from Mendota, in a Southern direction."

Upon the question of agreeing to said amendment, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Dooley, Rolette, Setzer, Stone and Wales.

Those who voted in the negative were,

Messrs. Balcombe, Freeborn, Humphrey, Lowry, Ludden, Thompson, Tillotson and Mr. President.

Yeas 6. Nays 8.

So the negative of the question prevailed and said amendment was rejected.

Upon the question, shall said bill be read a third time? the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Dooley, Humphrey, Lowry, Stone, Thompson, Tillotson, Wales and Mr. President.

Mr. Ludden voted in the negative.

Yeas 10. Nay 1.

So the affirmative of the question prevailed and the bill was ordered to be read a third time.

The following message received from the House of Representatives this day was read:

Mr. President:—The House of Representatives have passed House Bill No. 22, a bill to provide for the payment of Robert Wardlow and others for goods furnished to the volunteers engaged in the Watonwan expedition during the month of April, 1857.

And House Bill No. 14, a bill for an act to define the boundaries between the counties of Rice and Dakota.

In which the concurrence of the Council is solicited.

The House have concurred with the Council in the passage of C. F. No. 18, a bill to incorporate the Mississippi and Rum River Boom Company, and said bill is herewith returned to the Council.

Mr. Setzer moved that the rules be suspended and said House bill No. 22, be read a first and second time by its title.

The question being put, it was decided in the negative and the rules were not suspended.

The bill was then read a first and second time.

On motion of Mr. Rolette, said bill was referred to the Committee on Territorial expenditures.

House Bill No. 14 was read a first and second time.

On motion of Mr. Setzer, the rules of the Council were suspended and Mr. Stone had leave to introduce a bill.

Mr. Stone accordingly introduced C. F. No. 25, a bill for an act to incorporate the town of Manhattan.

Mr. Lowry moved to suspend the rules of the Council and make said bill in order for its three readings and passage at that time.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Dooley, Freeborn, Humphrey, Lowry, Rolette, Setzer, Stone, Thompson and Wales.

Yeas 9. Nays 0.

So the affirmative of the question prevailed and the rules were thus suspended.

The President resumed the chair.

Said bill was then read three several times and passed.

C. F. No. 10, being in order for a third reading,

On motion of Mr. Thompson, the rules were suspended and said bill was read a third time by its title.

Upon the question of agreeing to the passage of the bill, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Dooley, Humphrey, Lowry, Stone, Thompson, Tillotson, Wales and Mr. President.

Those who voted in the negative were,

Messrs Freeborn and Ludden.

Yeas 9. Nays 2.

So the affirmative of the question prevailed and the bill passed.

Mr. Tillotson moved that the Council adjourn, and the question being put, it was decided in the negative.

Mr. Rolette moved that the Council adjourn till Monday next at 2 o'clock P. M.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Freeborn, Ludden, Rolette, Setzer, Stone, Thompson, Tillotson and Wales.

Those who voted in the negative were,

Messrs. Dooley, Humphrey, Lowry and Mr. President.

Yeas 8. Nays 4.

So the affirmative of the question prevailed and the Council thus adjourned.

JOHN B. BRISBIN, President.

Attest:

L. Smith, Secretary.

MONDAY AFTERNOON, MAY 18, 1857.

The Council met pursuant to adjournment, and was called to order by the President.

The roll being called, the following members answered to their names:

Messrs. Bailly, Balcombe, Dooley, Lowry, Ludden, Rolette, Setzer, Stone, Thompson, Tillotson, Wales and Mr. President.

A Message was received from the House of Representatives by their Clerk.

The Journal of the proceedings of the Council on Saturday last was read and approved.

Mr. Tillotson in the Chair.

Mr. Thompson, by leave, introduced C. F. No. 26, a bill for an act amendatory of an act entitled "an act to incorporate the Transit Railroad Company," approved March 3, 1855.

Mr. Bailly, by leave, introduced C. F. No. 27, a bill to grant the right to establish and maintain a bridge across the Zombro.

Mr. Brisbin, by leave, introduced C. F. No. 28, a bill for an act to assign the Justices of the U. S. Courts of the Territory of Minnesota to the several Judicial Districts.

Mr. Setzer, by leave, introduced C. F. No. 29, a bill for an act granting certain lands, franchises, rights, powers and privileges to the Northern Pacific Railroad Company, to aid said Company in the construction of its main line, and branch railroad.

And C. F. No. 30, a bill for an act to incorporate the Traverse Des Sioux Company.

Mr. Stone, by leave, introduced C. F. No. 31, a bill for an act to establish the boundaries of certain counties, and for other purposes.

C. F. No. 26 was read a first and second time.

Mr. Bailly moved that the rules be suspended and C. F. No. 27 be read a first and second time by its title.

Mr. Setzer demanded a call of the Council, and the roll being called, Messrs. Bassett, Freeborn, Humphrey and Thompson were absent.

The Chair ordered the Sergeant-at-Arms to report the absent members in their seats.

Mr. Stone moved that the Council adjourn, and upon the question of agreeing to said motion the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Ludden, Rolette, Setzer and Stone.

Those who voted in the negative were,

Messrs. Bailly, Balcombe, Lowry, Thompson, Tillotson, Wales and Mr. President.

Yeas 4, nays 7.

So the negative of the question prevailed, and the Council refused to adjourn.

The President resumed the chair.

On motion of Mr. Ludden all further proceedings under the call of the Council were dispensed with.

On motion of Mr. Ludden the Council proceeded to consider C. F. No. 28, assigning the Judges to the several Judicial Districts.

Which bill was read a first and second time.

On motion of Mr. Ludden the bill was amended by adding a new section changing the Judicial Districts.

On motion of Mr. Ludden the rules were suspended and the bill was in order for a third reading at that time.

The bill was then read a third time and passed.

Mr. Ludden moved that the Council adjourn till to-morrow at half past two o'clock P. M.

Mr. Balcombe moved that the Council adjourn.

The Chair ruled that the last motion took precedence, and upon the question of agreeing to said motion the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs, Bailly, Balcombe, Dooley, Lowry, Thompson, Tillotson, Wales and Mr. President.

Those who voted in the negative were,

Messrs. Ludden, Rolette, Setzer and Stone.

Yeas 8, nays 4.

So the affirmative of the question prevailed and the Council adjourned.

J. B. BRISBIN, President.

Attest:

L. Smith, Secretary.

TUESDAY MORNING, May 19, 1857.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

The roll being called, the following members answered to their names:

Messrs. Bailly, Balcombe, Dooley, Lowry, Ludden, Stone, Tillotson, Wales and Mr. President.

The Journal of the proceedings of yesterday was read and approved.

Mr. Balcombe moved that the rules of the Council be suspended and all bills introduced yesterday and not read be read a first and second time by their titles.

Upon the question of agreeing to said motion the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Dooley, Freeborn, Lowry, Rolette, Stone, Tillotson.

Those who voted in the negative were,

Messrs. Ludden, Setzer, Wales and Mr. President.

Yeas 7, nays 4.

Two-thirds not voting in the affirmative, the negative of the question prevailed and the Council refused so to suspend the rules.

Mr. Rolette, by leave, introduced C. F. Nos. 32 and 33, bills.

Mr. Stone, by leave, introduced C. F. Nos. 34 and 35, bills.

Mr. Wales moved that the rules of the Council be suspended and all

bills introduced on yesterday and to-day and not read be now read a first and second time by title.

Mr. Ludden called for a division of the question, which was ordered, and upon the question of the suspension of the rules the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry, Ludden, Stone, Thompson, Wales and Mr. President.

Those who voted in the negative were,

Messrs. Setzer and Tillotson.

Yeas 12, nays 2.

So the affirmative of the question prevailed and the rules were suspended.

Upon the second division of the question the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry, Stone, Thompson, Tillotson, Wales and Mr. President.

Those who voted in the negative were,

Messrs. Ludden, Rolette and Setzer.

Yeas 12, nays 3.

So the affirmative of the question prevailed and said bills were ordered to be read a first and second time by their titles.

C. F. Nos. 27, 29, 30, 31, 32, 33, 34 and 35 were severally read a first and second time by their titles.

Mr. Thompson, by leave, introduced C. F. No. 36, bill.

On motion of Mr. Thompson the rules were suspended and the bill was read a first and second time by its title.

The resolution heretofore introduced by Mr. Lowry in relation to stationery for the officers and members of the Council was read.

Mr. Ludden moved to amend the resolution by substituting the following:

Resolved, That the Secretary be, and is hereby, authorized to furnish the Clerks and members of the Council with stationery and such other articles as are necessary, &c.

Which amendment was agreed to, and the resolution as amended was adopted.

The following Message received from the House of Representatives on yesterday was read:

"Mr. President: The House of Representatives have concurred in the passage of Council File No. 1, a bill for an act to grant certain lands to the Transit Railroad Company, and to execute the trust created by act of Congress, approved March 3, 1857, without amendment.

The House have also passed No. 5, H. of R., a bill for an act to incorporate the Minnesota and Pacific Railroad Company, and to dispose of grants of land made to the Territory of Minnesota for Railroad purposes by act of Congress, approved March 3, 1857, in which the concurrence of the Council is solicited.

The Speaker has signed No. 1, H. of R., an act to accept the grants and execute the trusts conferred upon the Territory of Minnesota by act of Congress, approved March 3, 1857."

All of which are transmitted."

H. of R. No. 1, an act to except the grants and execute the trusts conferred upon the Territory of Minnesota by act of Congress of March 3, 1857, was signed by the President.

On motion of Mr. Balcombe the rules of the Council were suspended, and House Bill No. 5 was read a first and second time by title.

The following Message received from the House of Representatives this morning was read:

"Mr. President: The House of Representatives have concurred with the Council in the passage of an act to assign the Justices of the U. S. Courts of the Territory of Minnesota to the several Judicial Districts.

Also No. 10, C. F., a bill to grant certain lands to the Root River Valley and Southern Minnesota Railroad Company.

Also to the Minneapolis and Cedar Valley Railroad Company, and to execute the trust created by an act of Congress entitled an act granting to the Territory of Minnesota lands in alternate sections for the purpose of aiding in the construction of certain railroads there. Also granting certain lands to the State of Alabama for the purpose of constructing a certain railroad, approved March 3, 1857, without amendment, and are herewith transmitted.

H. L. EDWARDS, Clerk of House of Representatives."

The Committee on Enrolled Bills reported as correctly enrolled House Bill No. 1, and C. F. No. 28, by Joseph Rolette and M. G. Thompson.

On motion of Mr. Balcombe the Council resolved itself into a Committee of the Whole for the purpose of considering C. F. No. 5, and House Bill No. 5.

Mr. Thompson in the chair.

After some time spent in Committee of the Whole the Committee rose and the President resumed the chair.

A Message was received from the House of Representatives by their Clerk.

Mr. Thompson, as Chairman of the Committee of the Whole reported House Bill No. 5, without amendment, with a recommendation that it be read a third time.

Also C. F. No. 5, with amendment, and with the recommendation, if the amendment be adopted, the bill be read a third time and passed.

Mr. Balcombe moved that the rules of the Council be suspended and House Bill No. 5 be read a third time, at that time, by its title, and be in order for its passage.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry, Thompson, Tillotson, Wales and Mr. President.

Those who voted in the negative were,

Messrs. Ludden, Setzer and Stone.

Yeas 10, nays 3.

So the affirmative of the question prevailed, and the rules were thus suspended, and said House Bill No. 5 was read a third time by its title and passed.

On motion of Mr. Balcombe C. F. No. 5, with the amendment proposed thereto by the Committee of the Whole, was referred to the Committee on incorporations.

On motion of Mr. Lowry the Council adjourned.

JOHN B. BRISBIN, President.

Attest:

L. SMITH, Secretary.

WEDNESDAY MORNING, MAY 20, 1857.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

Mr. Ludden in the chair.

The roll being called the following members answered to their names: Messrs. Bailly, Balcombe, Dooley, Freeborn, Lowry, Ludden, Rolette, Setzer, Stone, Thompson, Tillotson, Wales, and Mr. President.

On motion of Mr. Balcombe, the rules of the Council were suspended, and the reading of the Journal of yesterday was dispensed with.

Mr. Lowry, by leave, introduced C. F., Nos. 37 and 38, bills.

C. F. No. 37 was read a first and second time.

On motion of Mr. Rolette, the rules of the Council were suspended, and C. F. No. 38, was read a first and second time by its title.

Mr. Rolette from the Committee on Enrolled Bills, made the following Report:

"The Joint Committee on Enrolled Bills have this day presented to His Excellency, the Governor, for his approval and signature, the following Bills, viz:

Council File, No. 28; Bill H. of R. No. 1.

JOSEPH ROLETTE, } Committee.
M. G. THOMPSON, }

The Joint Committee on Enrolled Bills have examined and found correctly enrolled, C. F. No. 18, an Act to incorporate the Mississippi and Rum River Boom Company.

JOS. ROLETTE,
M. G. THOMPSON.

The following Message received from the House of Representatives on yesterday was read:

MR. PRESIDENT:—The House of Representatives have passed the following House Bills:

No. 29, to locate the county seat of Dakota County at Hastings;

No. 24, granting charter to William Brewster;

No. 25, granting to Aaron Russell and B. Sly the right to maintain a Ferry;

No. 20, to provide for the destruction of Blackbirds and Gophers;

No. 16, to amend the Act to incorporate the Town of Minneapolis, in the County of Hennepin.

In which the concurrence of the Council is solicited.

H. L. EDWARDS, Chief Clerk, H. of R.

House Bills, Nos. 29 and 24 were read a first and second time.

On motion of Mr. Balcombe, the rules of the Council were suspended, and said Bills were in order for a third reading by title, and passage at that time.

The said Bills were then thus read a third time and passed.

House Bill No. 20 was read a first and second time.

Mr. Rolette moved that the further consideration of said Bill be referred to the Committee on Militia.

Upon the question of agreeing to said motion, the ayes and nays being called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Lowry, Ludden, Rolette, Tillotson, and Mr. President.

Those who voted in the negative were,

Messrs. Bailly, Bassett, Dooley, Setzer, Stone and Thompson.

Yeas 6, nays 6.

So the negative of the question prevailed, and the Council refused so to refer said Bill.

Mr. Stone moved to amend the bill by inserting after the words "Blackbirds and Gophers," the words "and Sioux Indians," and upon the question of agreeing to said amendment,

The yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Lowry, Ludden, Setzer, Stone and Mr. President.

Those who voted in the negative were,

Messrs. Bassett, Dooley, Rolette, Thompson, Tillotson and Wales.

Yeas 7, nays 6.

So the affirmative of the question prevailed and the amendment was adopted.

House bill No. 16 was read a first and second time.

On motion of Mr. Bassett, the rules of the Council were suspended and said bill was read a third time by its title and passed.

House bill No. 25 was read a first and second time.

On motion of Mr. Lowry, the rules of the Council were suspended, and said bill was read a third time by its title and passed.

On motion of Mr. Setzer, the rules were suspended, and the Council resolved themselves into the Committee of the Whole, for the purpose of considering all bills in order for the consideration of said Committee, Mr. Balcombe in the chair.

After some time spent in Committee of the Whole, the Committee rose and the President resumed the chair.

Mr. Balcombe, as Chairman of the Committee of the Whole, reported House bill No. 3, with an amendment, and a recommendation, if the amendment was adopted, that the Bill be read a third time.

Also, House Bill No. 16, without amendment, and with a recommendation that it pass.

House Bill No 24, without amendment or recommendation.

C. F. No. 30, without amendment or recommendation.

C. F. No. 8, without amendment, with the recommendation that it pass.

C. F. Nos. 33, 34, 35 and 36, without amendment or recommendation.

On House bill No. 20, the Committee reported progress, but not having completed the consideration of said bill, asked leave to sit again, which was granted by the Council.

Mr. Balcombe moved that the further consideration of C. F. No. 34 be referred to the Committee on Incorporations with instructions to report to-morrow.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Bassett, Dooley, Freeborn, Wales and Mr. President.

Those who voted in the negative were,

Messrs. Lowry, Rolette, Setzer, Stone, and Thompson.

Yeas 6. Nays 5.

So the affirmative of the question prevailed, and said bill was thus referred, with instructions.

House bill No. 3, was ordered to be read a third time.

C. F. No. 34 was ordered to be engrossed and read a third time.

C. F. No. 36, was ordered to be engrossed and read a third time.

On motion of Mr. Lowry, the rules were suspended, and C. F. No. 36 was read a third time by its title and passed.

C. F. No. 35, was ordered to be engrossed and read a third time.

On motion of Mr. Lowry, the rules of the Council were suspended, and C. F. No. 8, was read a third time and passed.

Mr. Freeborn moved that the rules of the Council be suspended, and House Bill No. 24, be in order for a third reading and passage at the present time.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bassett, Dooley, Freeborn, Lowry, Rolette, Setzer, Stone, Tillotson, Wales and Mr. President.

Mr. Ludden voted in the negative.

Yeas 10. Nays 1.

So the affirmative of the question prevailed, and the rules were suspended, and said bill was then read a third time and passed.

Mr. Rolette moved that the rules of the Council be suspended, and C. F. No. 30, bill, be read a third time at the present time.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bassett, Dooley, Lowry, Ludden, Rolette, Setzer, Stone, Tillotson and Wales.

Those who voted in the negative were,

Messrs. Balcombe, Freeborn, and Mr. President.

Yeas, 9. Nays, 3.

So the affirmative of the question prevailed, and the rules were then suspended, and said bill was read a third time.

Upon the question of the passage of said bill, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,
Messrs. Rolette and Setzer.
Those who voted in the negative were,
Messrs. Balcombe, Bassett, Dooley, Lowry, Wales and Mr. President.
Yeas 2. Nays 6.

So the negative of the question prevailed, and the Council refused to pass said bill.

House Bill No. 14, was ordered to be read a third time.

On motion of Mr. Bailly, the rules of the Council were suspended, and said bill was read a third time and passed.

The following Report was made by the Committee on Enrolled Bills:

"The Committee on Enrolled Bills report C. F. No. 1 as correctly enrolled.

W. W. WALES,
W. FREEBORN.

Mr. Balcombe moved that the Council adjourn; and the question being put upon agreeing to said motion, it was decided in the negative.

On motion of Mr. Setzer, the Council took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Balcombe, the Secretary was directed to return to the Committee on Enrolled Bills, C. F. No. 1.

The Committee on Enrolled Bills made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills:

C. F., No. 10, a Bill for an Act to grant certain lands to the Root River and Southern Minnesota Railroad Company, also to the Minneapolis and Cedar Valley Railroad Company, and to execute the trust created by an Act of Congress entitled an act making a grant of lands to the Territory of Minnesota in alternate sections to aid in the construction of certain Railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State, approved March 3, 1857.

No. 25, H. of R., an act to incorporate certain Ferries.

JOS. ROLETTE, Chairman.
M. G. THOMPSON.

Mr. Balcombe moved that the Council adjourn.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,
Messrs. Bailly, Balcombe Bassett, Lowry, Ludden and Wales.
Those who voted in the negative were,
Messrs. Freeborn, Rolette, Setzer, Stone, Thompson Tillotson, and Mr. President.
Yeas, 6. Nays, 7.

So the negative of the question prevailed, and the Council refused to adjourn.

Mr. Setzer moved that the Council resolve themselves into a Committee

of the Whole, for the purpose of resuming the consideration of House bill No. 20, in accordance with leave granted by the Council this forenoon.

Mr. Balcombe moved a call of the Council, which was ordered.

The roll being called, Mr. Humphrey was found absent.

The Chair ordered the Sergeant-at-Arms to report Mr. Humphrey in his seat.

Mr. Lowry moved that the Council adjourn.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Bassett, Dooly, Lowry, Ludden and Wales.

Those who voted in the negative were,

Messrs. Freeborn, Rolette, Setzer, Stone, Thompson, Tillotson, and Mr. President.

Yeas, 7. Nays, 7.

So the negative of the question prevailed, and the Council refused to adjourn.

Mr. Setzer moved that all further proceedings under the call of the Council be dispensed with.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bassett, Dooley, Freeborn, Ludden, Rolette, Setzer, Stone, Tillotson, Wales and Mr. President.

Those who votee in the negative were,

Messrs. Balcombe, Lowry and Thompson,

Yeas, 10. Nays, 3.

So the affirmative of the question prevailed, and all further proceedings under the call were dispensed with.

Mr. Balcombe moved that the Council adjourn.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Lowry and Ludden.

Those who voted in the negative were,

Messrs. Bassett, Dooley, Freeborn, Rolette, Setzer, Stone, Thompson, Tillotson, and Mr. President.

Yeas, 4. Nays, 9.

So the negative of the question prevailed, and the Council refused to adjourn.

Mr. Balcombe moved a call of the Council, which was ordered, and the roll being called, Messrs. Humphrey and Wales were absent.

The Chair ordered the Sergeant-at-Arms to report Messrs. Humphrey and Wales in their seats.

Mr. Setzer moved that all further proceedings under the call of the Council be dispensed with.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bassett, Dooley, Freeborn, Ludden, Rolette, Setzer, Stone, Thompson and Tillotson.

Those who voted in the negative were,

Messrs. Bailly, Balcombe, Lowry and Mr. President.

Yeas, 9. Nays, 4.

So the affirmative of the question prevailed, and all further proceedings under the call were dispensed with.

Mr. Balcombe moved a call of the Council, which was ordered, and the roll being called, Mr. Humphrey was absent.

The Chair ordered the Sergeant-at-Arms to report Mr. Humphrey in his seat.

Mr. Lowry moved that the Council adjourn.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Dooley, Lowry and Ludden.

Those who voted in the negative were,

Messrs. Bassett, Freeborn, Rolette, Setzer, Stone, Thompson, Tillotson, Wales and Mr. President.

Yeas, 5. Nays, 9.

So the negative of the question prevailed, and the Council refused to adjourn.

Mr. Setzer moved that all further proceedings under the call of the Council be dispensed with.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Bassett, Dooley, Freeborn, Ludden, Rolette, Setzer, Stone, Thompson and Tillotson.

Those who voted in the negative were,

Messrs. Bailly, Balcombe, Lowry and Mr. President.

Yeas, 9. Nays, 4.

So the affirmative of the question prevailed, and all further proceedings under the call of the Council were dispensed with.

Mr. Setzer moved the previous question upon his motion to go into Committee of the Whole, as before stated.

Mr. Balcombe moved to lay the motion for the previous question on the table.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe Bassett, Dooley, Lowry, Ludden and Mr. President.

Those who voted in the negative were,

Messrs. Freeborn, Rolette, Setzer, Stone, Thompson, Tillotson, and Wales.

Yeas, 7. Nays, 7.

So the negative of the question prevailed, and the Council refused to lay said motion upon the table.

The question recurring upon ordering the main question to be put, and the yeas and nays being called for and ordered, the result of the vote was as follows :

Those who voted in the affirmative were,

Messrs. Freeborn, Rolette, Setzer, Stone, Thompson and Tillotson.

Those who voted in the negative were,

Messrs. Bailly, Balcombe, Bassett, Dooley, Lowry, Ludden, Wales and Mr. President.

Yeas, 6. Nays, 8.

So the negative of the question prevailed, and the Council refused to order the main question to be then put.

Mr. Rolette made the following report:

"The Committee on Enrolled Bills report the following bills as correctly enrolled:

No. 1, Council File.

No. 5, House Bill.

JOSEPH ROLETTE,
M. G. THOMPSON."

Mr. Thompson, from the Committee on Engrossed Bills made the following report:

"The Committee on Engrossed Bills have examined and found correctly engrossed C. F. Nos. 34 and 35.

C. W. THOMPSON, } Committee.
B. F. TILLOTSON, }

On motion of Mr. Stone the rules of the Council were suspended, and C. F. Nos. 34 and 35 were read a third time by their titles and passed.

On motion of Mr. Stone the rules of the Council were suspended and House Bills Nos. 12 and 24 were then in order for a third reading and passage.

House Bill No. 24 was thereupon read a third time and passed.

On motion of Mr. Ludden the rules of the Council were suspended, and House Bill No. 12 was read a third time by its title and passed.

The following Messages received from the House of Representatives by their Clerk were read:

"Mr. President: The Speaker of the House of Representatives has signed Bill No. 5, H. of R., for an act to incorporate the Minnesota and Pacific Railroad Company, and to dispose of certain grants of land made to the Territory of Minnesota for railroad purposes, approved March 3, 1857, which has been reported as correctly enrolled by the Joint Committee on Enrolled Bills.

"Mr. President: The Speaker of the House of Representatives has signed Council File No. 1, a bill for an act to grant certain lands to the Transit Railroad Company, and to execute the trust created by act of Congress, approved March 3, 1857.

Also No. 10, C. F., an act granting certain lands to the Root River Valley and Southern Minnesota Railroad Company.

Also the Minneapolis and Cedar Valley Railroad Company, and to execute the trust created by act of Congress, approved March 3, 1857, both of which have been reported by the Joint Committee on Enrolled Bills as being correctly enrolled, and are herewith transmitted.

"Mr. President: The Speaker of the House has signed C. F. No. 18, an act to incoaporate the Mississippi and Rum River Boom Company.

Also House File No. 25, and Joint Resolution No. 1."

Which bills and Joint Resolutions were severally signed by the President.

A Message was received from the House of Representatives by their Clerk.

On motion of Mr. Setzer the Council resolved themselves into a Committee of the whole in accordance with permission granted by the Council, to take into consideration the unfinished business of this morning upon House Bill No. 20.

Mr. Balcombe in the chair.

After some time spent in Committee of the Whole, the Committee rose and the President resumed the Chair.

Mr. Balcombe, as Chairman of the Committee of the Whole, reported said House Bill No. 20, with an amendment striking out all after the enacting clause, and inserting, substantially a new bill disposing of the grant of lands made by Congress to the Territory of Minnesota for railroad purposes.

On motion of Mr. Setzer said amendment was adopted by the Council.

On motion of Mr. Setzer the rules of the Council were suspended and said bill was read a third time by its title and put upon its passage.

The question being put upon the passage of said bill, it was decided in the affirmative, and the bill passed.

On motion of Mr. Setzer the title of the bill was amended so as to correspond with the body of the bill.

On motion of Mr. Setzer the Council adjourned.

J. B. BRISBIN, President.

Attest:

L. SMITH, Secretary.

THURSDAY, MAY 21, 1857.

The Council met pursuant to adjournment, and was called to order by the President.

The roll being called, the following members answered to their names: Messrs. Balcombe, Bassett, Freeborn, Lowry, Ludden, Setzer, Stone, Tillotson, Wales, and Mr. President.

On montion of Mr. Setzer, the rules of the Council were suspended, and the reading of the Journal of yesterday was dispensed with.

On motion of Mr. Setzer, the rules of the Council were suspended for the purpose of taking up the 10th order of business, and upon his motion, under a suspension of the rules, the Council resolved themselves into a Committee of the Whole for the purpose of considering C. F. Biils, Nos. 2, 4, 5, 6, 7, 16, 17, 19, 21, 26, 32, 38, 22, 31, 9, 23. 37, 13, 11, and 14. C. F. Memorial No. 2, and House Bill No 29.

Mr. Balcombe in the Chair.

During the sitting of the Committee a message was announced from the House of Representative.

The President resumed the Chair, and received three messages from the House. Thereupon the Committee resumed their session, and after some

further time spent therein, the Committee rose and the President resumed the Chair.

Mr. Balcombe, as Chairman of the Committe of the Whole, reported C. F. Bills Nos. 4, 13, 2, 26, 21, and 19, without amendment, and with the recommendation that the future consideration of each of said Bills be indefinitely postponed, and that C. F. Bills Nos. 31 and 5, without amendment, and recommendation that they be referred to the Committee on Incorporation. C. F. No. 2, Memorial, and C. F. Bills Nos. 32, 9, 37, 6, 27, 11, 23, 7, 16, 38, 20, 22, and the House Bill No. 29, without amendment or recommendation.

Council proceeded to the report of the Committee upon C. F. Bills Nos. 2, 4, and 26, and the recommendations of the Committee were severally adopted by the Council, and the further consideration of each of said Bills was indefinitely postponed.

Council proceeded to the consideration of the report of the Committee upon C. F. No. 21.

Mr. Balcombe moved that said Bill be laid upon the table.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Balcombe, Dooley, Freeborn, Lowry, Thompson, and Wales,

Those who voted in the negative were:

Messrs. Ludden, Rolette, Setzer, Stone, and Mr. President.

Yeas, 6. Nays, 5.

So the affirmative of the question prevailed, and said Bill and recommendation were laid upon the the table.

Council proceeded to the report of the Committee upon C. F. Bill, No. 13.

Upon the question of agreeing to the recommendation of the Committee of the Whole, of indefinitely postponing said Bill, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Balcombe, Freeborn, Lowry, Ludden, Setzer, Wales, and Mr. President.

Those who voted in the negative were:

Messrs. Dooley, Rolette, and Stone.

Yeas, 7. Nays, 3.

So the affirmative of the question prevailed, and the further consideration of said Bill was indefinirely postponed.

The Council proceeded to consider the recommendation of the Committee upon C. F. No. 19.

Upon the question of agreeing upon the indefinite postponement of the Bill, it was decided in the negative.

Mr. Balcombe moved an amendment to the Bill, which was adopted by the Council.

Mr. Balcombe moved that the rules of the Council be suspended, and that said Bill be in order for a third reading by title and passage at that time.

Upon the question of agreeing to the said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative, were:

Messrs. Balcombe, Dooley, Freeborn, Lowry Ludden, Rolette, Setzer, Stone, Thompson, Wales, and Mr. President.

Yeas, 11. Nays, 0.

So the affirmaitve of the question prevaled, and the rules were thus suspended.

Said Bill was then read a third time by title, and passed

The Council proceeded to the consideration of the report of the Committee of the whole, of C. F. Bills, Nos. 31 and 3, and the recommendations of the Committee were adopted by the Council, and the Bills were then referred to the Committee on Incorporatons.

The Council proceeded to the consideration of House Bill No. 29.

Mr. Balcombe moved that the rules of the Council be suspended, and said Bill be in order for a third reading at the present time.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Balcombe, Dooley, Lowry, Rolette, Stone, and Wales.

Those who voted in the negativa were:

Messrs. Freeborn, Ludden, Setzer, and Mr. President.

Yeas, 6. Nays, 4.

Two thirds not voting in the affirmative the negative prevailed, and the Council refused so to suspend the rules.

Upon the question, shall said Bill be read a third time? the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Balcombe, Dooley, Lowry, Stone, and Wales.

Those who voted in the negative were:

Messrs. Freeborn, Ludden, Setzer, and Mr. President.

Yeas, 5. Nays, 4.

So the affirmative of the question prevailed, and said Bill was ordered to be read a third time.

The Council proceeded to the consideration of C. F. No 9, Bill.

Mr. Freeborn moved that the rules of the Council be suspended, and the said Bill be in order, for a third reading at the present time, by title, and passage.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Balcombe, Dooley, Freeborn, Lowry, Rolette, Stone, Wales, and Mr. President. Mr. Setzer voted in the negative.

Yeas, 8. Nays, 1.

So the affirmative of the question prevailed and the rules were thus suspended.

Said Bill was then read a third time by its title, and passed.

Council proceeded to consider C. F. No. 32 Bill.

On motion of Mr. Rolette, the rules were suspended and said Bill was in or order for a third reading by title and passage at that time; the Bill was then thus read a third time and passed.

Mr. Rolette made the following reports:

"The Committee on Enrolled Bills, have examined and found correctly enrolled C. F. No. 8, 'An Act to annex a portion of the county of Mower to the county of Olmsted.'

JOS. ROLETTE, Chairman.
M. G. THOMPSON."

The Committee on Enrolled Bills, reported that they have presented to His Excellency, the Governor, the following Bills and Joint Resolution for his approval and signature.

No. 25 H. of R. Bill.

No. 18 C. F. Bill

No. 1 H. of R. Joint Resolution.

JOS. ROLETTE,
M. G. THOMPSON,

On motion of Mr. Setzer, Council took a recess until three o'clock P. M.

THREE O'CLOCK, P. M.

The Council resumed the consideration of the report of the Committee of the Whole, made this forenoon.

On motion of Mr. Balcombe, the rules of the Council were suspended, and C. F. No. 2, a Memorial to the Post Master General, in relation to Route Agents, was read a third time and passed.

On motion of Mr. Setzer the rules of the Council were suspended, and C. F. Nos. 17 and 14, were severally read a third time and passed.

A message was received from the House of Representatives, by their Clerk.

Mr. Lowry moved that the rules of the Council be suspended, and C. F. No. 6 Bill be read a third time, at the present time, by title.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Bassett, Dooley, Freeborn, Lowry, Ludden, Setzer, and Stone.

Those who voted in the negative, were:

Messrs. Balcombe, Thompson, Tillotson, Wales, and Mr. President.

Yeas, 7. Nays, 5.

Two thirds not voting in the affirmative the negative of the question prevailed, and the Council refused to suspend the rules.

Said Bill was then ordered to be read a third time.

On motion of Mr. Stone, the rules of the Council were suspended, and C. F. No. 22, the Bill, to Incorporate the Point and Knife River Plank Road Company, was read a third time, by title, and passed.

On motion of Mr. Balcombe, the rules of the Council were suspended, and C. F. No. 38, Bill was in order for a third reading, and passed. The Bill was then read a third time.

Upon the question, shall the Bill pass? The yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Balcombe, Dooley, Freeborn, Lowry, Setzer, Stone, and Mr. President.

Those who voted in the negative, were:

Messrs. Bassett, and Wales.

Yeas, 7. Nays, 2.

So the affirmative of the question prevailed, and the bill passed.

On mhtion of Mr. Freeborn, the rules of the Council were suspended, and C. F. No. 11 Bill was read a third time by title, and passed.

The Council proceeded to consider C. F. No. 23 Bill.

Mr. Setzer moved an amendment to said Bill.

Mr. Ludden moved an amendment to said amendment.

Upon the question of adopting the amendment to the amendment, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative, were:

Messrs. Dooley, Ludden, and Wales.

Those who voted in the negative, were:

Messrs. Balcombe, Bassett, Freeborn, Lowry, Rolette, Setzer, Stone, Thompson, Tillotson, and Mr. President.

Yeas, 3. Nays, 10.

So the negative of the question prevailed, and the amendment to the amendment was rejected.

Upon the question of agreeing to the original amendment, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative, were:

Messrs. Bassett, Freeborn, Lowry, Setzer, Stone, Thompson, Tillotson, and Mr. President.

Those who voted in the negative, were:

Messrs. Dooley, Ludden, and Wales.

Yeas, 8. Nays, 3.

So the affirmative of the question prevailed, and Mr. Setzer's, original amendment was adopted.

On motion ot Mr. Setzer, the rules of the Council were suspended, and said Bill was ordered to be read a third time by its title, and put on its passage. The Bill was then thus read a third time.

Upon the question, shall the Bill pass? the yeas and nays being called for and oredred, the result of the vote was as follows:

Those who voted in the affirmative, were:

Messrs. Balcombe, Freeborn, Lowry, Setzer, Stone, Thompson, Tillotson, and Mr. President

Those who voted in the negative, were:

Messrs. Dooley, Ludden, and Wales.

Yeas, 8. Nays, 3.

So the affirmative of the question prevailed, and the Bill passed.

C. F., No. 27, Bill was ordered to be read a third time.

On motion of Mr. Balcombe the rules were suspended, and said Bill was read a third time by title and passed.

Mr. Tillotson moved that the vote of the Council this forenoon refusing to suspend the rules so as to allow House Bill No. 29, to be read a third time by title and put on its passage be reconsidered.

Upon the question of agreeing to said motion the yeas and nays being called for and ordered the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Freeborn, Lowry, Setzer, Stone, Tillotson, and Wales.

Those who voted in the negative were,

Messrs. Balcombe, Bassett, Dooley, Thompson, and Mr. President.

Yeas 6. Nays 5.

So the affirmative of the question prevailed and said vote was reconsidered.

The question recurring upon the original motion to suspend the rules being put, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Bassett, Lowry, Setzer, Wales, and Mr. President.
Those who voted in the negative were,
Messrs. Dooley, Freeborn, Ludden, and Thompson.
Yeas 6. Nays 4.

Two thirds not voting in the affirmative, the negative of the question prevailed and the Council refused so to suspend the rules.

Mr. Freeborn moved an amendment to C. F., No. 20, Bill which was adopted by the Council.

On motion of Mr. Freeborn the rules of the Council were suspended and said C. F., No. 20, was read a third time by its title and passed as amended.

A message was received from the House of Representatives by their Clerk.

On motion of Mr. Balcombe the rules of the Council were suspended, and C. F., No. 16, was read a third time by its title and passed.

C. F., No. 7, was ordered to be engrossed, and read a third time.

On motion Mr. Ludden the rules of the Council were suspended and C. F., Nos. 7 and 37, were severally read a third time by title and passed.

Mr. Setzer from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills report Council File No. 24, a Bill for an Act to legalize the acts of the County Officers for the counties of Benton and Morrison as correctly engrossed.

H. N. SETZER,
B. F. TILLOTSON.

Mr. Dooley by leave introduced a remonstance against the incorporation of the county of Anoka which was read.

Mr. Ludden from the Committee on Incorporations to whom was referred C. F., Nos. 5 and 34, reported the same back to the Council with the recommendation that they pass.

And C. F., No. 31, with the recommendation that the first section of No. 31, be stricken out, the amendment to No. 31, was adopted by the Council.

On motion of Mr. Ludden the rules of the Council were suspended and C. F., Nos. 31 and 34, were severally read a third time by title and passed.

Mr. Thompson moved that the rules of the Council be suspended, and C. F., No. 5, be in order at that time for a third reading by title and be put upon its passage.

Mr. Lowry moved to amend the Bill by inserting a proviso, that Olmsted county should be exempt from the operation of the provisions of the Bill.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Balcombe, Bassett, Lowry, Setzer, Wales, and Mr. President.
Those who voted in the negative were,
Messrs. Dooley, Freeborn, Ludden, and Thompson.
Yeas 6. Nays 4.

So the affirmative of the question prevailed, and the amendment was adopted.

On motion the rules of the Council were suspended and said Bill was read a third time by its title and passed.

Mr. Rolette from the Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills report that they have presented to His Excellency the Governor for his approval and signature C. F., No. 8.

JOS. ROLETTE,
M. G. THOMPSON.

On motion of Mr. Rolette the rules of the Council were suspended, and House Bill No. 29, and C. F., No. 24, were in order for a third reading by titles and passage at that time.

And C. F., No. 24, was read a third time by title and passed.

House Bill No. 29, was read a third time by title.

Upon the question of the passage of said Bill, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Bassett, Dooley, Lowry, Rolette, Stone, and Wales.

Those who voted in the negative were,

Messrs. Ludden, Setzer, and Mr. President.

Yeas 7. Nays 3.

So the affirmative of the question prevailed, and said Bill passed.

Mr. Balcombe moved that the rules of the Council be suspended so as to allow him to introduce a Bill at that time.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, and Mr. President.

Those who voted in the negative were,

Messrs. Bassett, Dooley, Freeborn, Ludden, Setzer, Stone, Thompson, and Wales.

Yeas 2. Nays 8.

So the negative of the question prevailed, and the Council refused so to suspend the rules.

Mr. Balcombe by leave introduced Bill C. F., No. 39.

On motion of Mr. Setzer the rules were suspended, and said Bill was read a first and second time by title.

Mr. Ludden by leave introduced C. F., No. 40, Bill in relation to trial by Jury, which was read a first and second time.

On motion of Mr. Ludden, the rules were suspended, and said Bill was read a third time by title and passed.

Mr. Ludden by leave introduced C. F., No. 41.

On motion of Mr. Ludden the rules of the Council were suspended, and said Bill was read a first and second time by title.

Mr. Balcombe from the Committee on Territorial Expenditures by leave reported Bill No. 22, without amendment or recommendation.

Mr. Ludden moved that said Bill be referred to Committee on Incorporation.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were.

Messrs. Bassett, Ludden, Rolette, Setzer, and Mr. President.

Those who voted in the negative were,

Messrs. Balcombe, Dooley, Freeborn, Stone, Thompson, and Wales.

Yeas 5. Nays 6.

So the negative of the question prevalled and the Council refused so to refer said bill.

The following message from the House of Representatives was read:

Mr. PRESIDENT: The House have concurred in the amendments made by the Council to House Bill No. 20, a Bill providing for the destruction of Gophers, Ground Squirrels, and Black Birds, also have concurred in the amendment made to the title to said Bill by the Committee.

H. L. EDWARDS, Clerk.

The following message received from the House of Representatives on yesterday was read:

Mr. PRESIDENT: The House of Representatives have passed No. 49, to incorporate the city of Shakopee.

Also No. 46, a Bill changing the name of the town of Stockton to Hillsdale.

No. 41, to incorporate the Orono Seminary.

No. 35, to incorporate the Faribault and Cannon city Gravel and Plank Road Company.

No. 40, to incorporate the Trustees of the Belle Prarie Seminary.

No. 45, to incorporate the St. Paul Fuller House Company.

No. —, to incorporate the Minnesota and Dakota Land Company.

No 36, authorizing School District No. 7, in Wright county to borrow money.

No. 38, to amend an act to provide for the survey of Logs and Lumber.

No. 43, to incorporate the Cedar Valley University.

No. 27, to establish certain counties, and for other pusposes.

No. 47, to amend an act to incorporate the St. Cloud Bridge Company.

No. 34, to incorporate the Wabashaw county Grammer School.

No. 42, to incorporate the Prarie Lodge No. 7, I. O. O. F.

No. 39, to incorporate the Old Settlers Association, which are herewith transmitted and the concurrence of the Council solicited.

Also C. F., No. 8, without amendment.

The following messages received from the House this forenoon were read:

Mr. PRESIDENT: The House have passed the following House Bills which are herewith transmitted and the concurrence of the Council solicited.

No. 74, for the relief of Isaac Day.

No. 55, to incorporate the city of Hastings.

No. 70, to incorporate the Southern Minnesota Land Company.

No. 53, to incorporate the Western Land Association.

No. 64, to amend an act to incorporate the city of St. Anthony.

No. 52, relating to Public Roads.

No. 85, to incorporate the Big Sioux Land Campany.

No. 78, to incorporate the North Western Pioneer Land Company.

No. 54, to establish certain Ferries.

No. 72, to incorporate the Mississippi River and Lake Superior Ship Canal Company.

No. 28, to organize and define the boundaries of the county of Anoka.

Mo. 88, to incorporate the town of Bancroft.
No. 68, to incorporate the Mississippi River Branch Railroad Company.

Mr. President: The House of Representatives have passed the following House Bills.

An Act to protect Laborers on Railroads and for other purposes.

A Bill to authorize the Minnesota Improvement Company to build certain Railroads.

An Act to incorporate the Mississippi Valley Railway Company.

A Bill to incorporate the Minnesota and Northwestern Railway Company.

An Act additional to an act prescribing rules and regulations for the execution of the Trust under the act of Congress approved March 3, 1855.

An Act to amend an act, for the government of the Territorial Prison of Minnesota.

An Act to regulate the compensation of County Surveyors in the Territory of Minnesota.

An Act to amend an act for the apportionment of members of the Legislative Assembly.

An Act to change the name of Mary Farnham Mason, &c.

An Act relating to District Courts and for other purposes.

All of which are transmitted and the concurrence of the Council is solicited.

Mr. President: The House of Representatives have passed No. 60, an Act to organize the St. Augusta Boom Company.

No. 58, to incorporate the town of Ottawa.

No. 79, to incorporate the German Agricultural Society of Carver county.

No. 77, to amend the Session Laws of 1854.

No. 75, authorizing the proprietors of the town af Carver to cause the same to be Surveyed, and a new Plat thereof Recorded.

No. —, an Act to incorporate the Glencoe Library Association.

No. 64, to incorporate the town of Paynesville.

No. 65, an Act relative to Free Schools in the town of Minneapolis.

No. 63, to incorporate the Minnesota Life, Fire and Marine Insurance Company.

No. —, to incorporate the Leroy Acadamy.

No. 36, to incorporate the Dodge County Building Association.

No. 62, a Bill to incorporate the Young Men's Association.

No. 51, to legalize the record of certain towns on the Northern Shore of Lake Superior.

No. 32, H. of R., for an act to extend the corporate limits of the town of Chatfield.

All of which are transmitted and the concurrence of the Council solicited.

Also C. F., 36, without amendment.

Mr. President: The House of Representatives have passed the following House Bills in which the concurrence of the Council is solicited.

No. 88, to incorporate the St. Paul Dramatic Joint Stock Association.

No. 87, to amend Chapter 7, Section 10, of the act to incorporate the city of St. Paul.

No. 80, to incorporate the Grey Cloud Female Seminary.
No. 82, granting to C. B. Galagher a Ferry Charter.
No. 81, to organize the Grey Cloud Boom Company.
The Speaker has also signed No. 8, C. F., to annex a portion of Mower county to Olmsted county.
The House has also passed Memorials No. 3 and 4, H. of R.

Mr. President: The House have passed No. 26, a Bill to incorporate certain towns in this Territory.
Which is herewith transmitted and the concurrence of the Council is solicited.

On motion of Mr. Setzer, the rules of the Council were suspended and all House Bills were ordered to be read a first and second time by title.
House Bill No. 39, Bill incorporating the Minnesota and Dakota Land Company.
House Bills Nos. 42, 34, 47, 27, 43, 36, 38, 45, 40, 35, 41, 46, 49, 28, 55, 70, 53, 64, 52, 85, 78, 54, 72, 88, 68, 74, 19, 85, and Bills incorporating Minnesota Improvement Company. and Mississippi Valley Railway Company.
Bill for the relief of citizens of towns in certain cases.
Bill changing the name of Mary Farnham Mason.
Bill in relation to County Surveyors.
Bill in relation to the Territorial Prison.
Bill in relation to District Courts.
And a Bill in relation to Apportionments, were severally read a first and second time by title.
Mr. Ludden in the Chair.
Nos. 32 and 60, Bill in relation to the Leroy Academy.
Nos. 51, 62, 56, 75, 77, 79, 58, 63, 64, 66, and 87.
Nos. 3 and 4, Memorials.
Nos. 80, 81, and 82, Bills, were severally read a first and second time by title.
The President in the Chair.
On motion of Mr. Setzer, the rules were suspended and the Council resolved themselves into a Committee of the Whole for the purpose of considering all House Bills and Memorials now in order for consideration by said Committee.
Mr. Setzer in the Chair.
After sometime spent in Committee of the Whole, the Committee rose and the President resumed the Chair.
Mr. Setzer as Chairman of the Committee of the Whole, reported House Bills Nos. 64 and 28, a Bill to incorporate the Mississippi Valley Railway Company, and a Bill in relation to the Territorial Prison, without amendments and with the recommendation that said Bills be read a third time and passed.
House Bill No 38, with amendments.
House Bills Nos. 49, 88, 55, 35, 89, 32, a Bill in relation to the Apportionment of members, 45, 42, 26, a Bill in relation to District Courts, without amendments or recommendation.
On motion of Mr. Setzer, the rules of the Cauncil were suspended and House Bill No. 28, a Bill incorporating the Mississippi Valley Railway Company, a Bill in relation to the District Courts, and a Bill in relation to the Territorial Prison, were severally read a third time by title and passed.

On motion of Mr. Ludden, the rules of the Council were suspended and House Bills Nos. 87, 45, and 88, were severally read a third time by title and passed.

Council proceeded to consider House Bll No. 65, when Mr. Ludden moved to amend the Bill by adding to it section 11.

Mr. Stone moved a call of the Council which was ordered. The roll being called Messrs. Bailly, Humphrey, Lowry, Rolette, and Tillotson, were absent.

On motion of Mr. Setzer, all further proceedings under the call of the Council were dispensed with.

On the question of agreeing to Mr. Setzer's amendments to the Bill the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Freeborn, Ludden, Setzer, Stone, and Mr. President.

Those who voted in the negative were,

Messrs. Baasett, Dooley, and Wales.

Yeas 6, nays 3.

So the affirmative of the question prevailed and the amendment was adopted

On motion of Mr. Baasett, the Bill was laid upon the table.

Mr. Rolette moved an amendment to House Bill No. 26, which was adopted by the Council.

On motion of Mr. Freeborn, the rules were suspended and said Bill was read a third time by its title and passed.

The amendments proposed by the Committee of the Whole to House Bill No. 38, were adopted by the Council.

On motion of Mr. Ludden the rules were suspended and said Bill was read a third time by its title and passed.

On motion of Mr. Setzer, the rules wore suspended and House Bill No. 55, was read a third time by its title and passed.

On motion of Mr. Freeborn, the rules were suspended and House Bill No. 35 was read a third time by its title and passed.

On motion of Mr. Thompson, the rules were suspended and House Bill No, 32 was read a third time by its title and passed.

On motion of Mr. Balcombe, the rules were suspended and House Bill No. 42 was read a third time by its title and passed.

House Bill No. 49, incorporating the city of Shakopee was amended by the Council.

On motion of Mr. Ludden, the rules were suspended and said Bill was read a third time by its title and passed.

On motion of Mr. Setzer the Apportionment Bill was referred to a Select Committee.

On motion of Mr. Ludden, the Council adjourned.

J. B. BRISBIN, President.

Attest:

L. SMITH, Secretary.

FRIDAY, MAY 22, 1857.

Council met pursuant to adjournment and was callled to order by the President.

The roll being called the following members answered to their names: Messrs. Balcombe, Dooley, Freeborn, Stone, Thompson, Tillotson, Wales, and Mr. President.

Mr. Freeborn by leave introduced C. F. No. 42 Bill, which was read a first and second time.

Mr. Thompson by leave introduced C. F. No. 43 Bill, and C. F. No. 5, Memorial.

Mr. Setzer by leave introduced C. F. No. 44 Bill.

On motion of Mr. Setzer the rules were suspended, and C. F. No. 42 Bill, was read a third time by title and passed.

On motion of Mr. Setzer the rules of the Council were suspended, and C. F. No. 43 and 44, Bills, and C. F. No. 5, Memorial were severally read a first and second time by title.

On motion of Mr. Thompson the rules were suspended and C. F. No. 5, Memorial was read a third time and passed.

Mr. Rolette from the Committee on Enrolled Bills made the following report.

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bill.

No. 20, H. of R., an Act to execute the trust created by an act of Congress, entitled an act making a grant of land to the Territory of Minnesota in alternate sections to aid in the construction of certain Railroads in said Territory, and granting Public Lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State, and granting certain lands to Railroad Companies therein named.

JOS. ROLETTE,
M. G. THOMPSON.

On motion of Mr. Setzer the rules of the Council were suspended, and C. F Nos. 39, 43, and 44, were severally read a third time by title and passed.

Mr. Stone by leave introduced C. F. No. 45.

On motion of Mr. Setzer the rules were suspended, and said Bill was read a first and second time.

Mr. Setzer introduced the following resolution which was adopted by the Council.

Resolved, That no more bills shall be introduced in the Council.

On motion of Mr. Balcombe the vote of the Council on yesterday refusing to pass C. F. No. 30, was reconsidered the question recuring upon agreeing to the passage of said Bill, and the yeas and nays being called for and ordered the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Dooley, Freeborn, Rolette, Setzer, Stone, Tillotson, and Wales.

Mr. President voted in the negative.

Yeas, 8. Nays, 1.

So the affirmative of the question prevailed and said bill passed.

Mr. Rolette from the Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills report the following Bill as correctly enrolled.

C. F. No. 36.

JOS. ROLETTE,
M. G. THOMPSON.

House Bill No. 3, was read a third time and passed as amended.

Mr. Balcombe moved that C. F. No. 6, be indefinately postponed.

A call of the Council was demanded and ordered, and the roll being called the following members were absent:

Messrs. Bailly, Bassett, Humphrey, Lowry, Ludden, and Thompson.

The Chair ordered the Sergeant-at-Arms to report the absent members in their seats.

Mr. Setzer moved that all further proceeding under the call of the Council be dispensed with.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley Freeborn, Setzer, Tillotson, and Wales.

Mr. Balcombe voted in the negative.

Yeas, 5. Nays, 1.

So the affirmative of the question prevailed, and the Chair declared all further proceedings under the call dispensed with.

The following Message received from the House of Representatives was read:

Mr. President: The Speaker of the House of Representatives has signed No. 20, H. of R., an act to execute the trust created by act of Congress entitled an act making a grant of land to the Territory of Minnesota, in alternate sections to aid in the construction of certain Railroads therein, and granting Public Lands in alternate sections in the State of Alabama, to aid in the construction of a certain Railroad in said State, and granting certain lands to Railroad Companies therein named.

Which has been reported as correctly enrolled by the Committee on Enrolled Bills.

Said Bill was then signed by the President.

Mr. Setzer moved that the rules of the Council be suspended, and C. F. No. 6, be in order for a third reading and passage at that time.

Mr. Balcombe moved a call of the Council which was ordered.

The roll being called the following members were absent: Messrs. Bailly, Bassett, Humphrey, Lowry, Ludden, Rolette, and Tillotson.

Chair ordered the Sergeant-at-Arms to report the absent members in their seats.

Mr. Setzer moved that all further proceedings under the call of the Council be dispensed with.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Dooley, Freeborn, Setzer, Stone, and Mr. President.
Mr. Balcombe voted in the negative.
Yeas, 5. Nays, 1.

So the affirmative of the question prevailed and the Chair declared all further proceedings under the call of the Council dispensed with.

The following Message received from the House of Representatives by their Clerk, was read under a suspension of the rules :

Mr. President: The House have concurred in the passage of Council Bills No. 9, to incorporate the Minnesota Air Railroad Company.
No. 24, to legalize the act of County Officers in the counties of Benton, Stearns and Morrison.
No. 19, in relation to certain improvements in the city of St. Paul.
No. 24, to incorporate the Sauk Rapids Bridge Company.
No. 35, to incorporate the Sauk River Manufacturing Company.
No. 12, to organize the St. Augusta Boom Company.
No. 25, to incorporate the town of Manhatten.

Mr. Setzer renewed his motion for a suspension of the rules, and making C. F. No. 6, in order for a third reading and passage at that time, and upon the motion moved the previous question.

Mr. Balcombe move a call of the Council which was ordered.

The roll being called Messrs. Bailly, Bassett, Humphrey, Lowry, Ludden, Rolette, and Tillotson were absent.

The Chair ordered the Sergeant-at-Arms to report the absent members in their seats.

Mr. Setzer moved that all further proceedings under the call of the Council be dispensed with.

Upon the question of agreeing to said motion the yeas and nays being called for and ordered the result of the vote was as follows :
Those who voted in the affirmative were,
Messrs. Dooley, Freeborn, Setzer, and Stone.
Those who voted in the negative were,
Messrs. Balcombe and Mr. President.
Yeas 4. Nays 2.

So the affirmative prevailed and the Chair declared all further proceedings under the call dispensed with.

Mr. Balcombe moved to lay Mr. Setzer's motion for the previous question on the table.

Upon the question of agreeing to said motion the yeas and nays were called for and ordered and the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Balcombe and Mr. President.
Those who voted in the negative were,
Messrs. Dooley, Freeborn, Ludden, Setzer, Stone, and Wales.
Yeas, 2. Nays, 6.

So the negative of the question prevailed and the Council refused to lay said motion upon the table.

The question recurring upon ordering the main question to be put, and the yeas and nays being called for and ordered, the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Dooley, Freeborn, Ludden, Setzer, and Stone.

Those who voted in the negative were,
Messrs. Balcombe, Wales, and Mr. President.
Yeas 5, Nays 3.

So the affirmative of the question prevailed, and the main question was ordered to be then put.

Said Bill was then by unanimous consent read a third time and put upon its passage.

Upon the question of agreeing to the passage of the bill, the yeas and nays being called for and ordered, the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Dooly, Freeborn, Ludden, Setzer, and Stone.
Those who voted in the negative were,
Messrs. Balcombe, Wales, and Mr. President.
Yeas, 5. Nays, 3.

So the affirmative of the question prevailed, and the Bill passed.

It was moved to amend the title of the Bill by striking out the word, "certain," and inserting the word, "uncertain."

Mr. Setzer moved the previous question upon said motion.

Mr. Balcombe moved the call of the Council, which was ordered.

The roll being called, Messrs. Bailly, Bassett, Humphrey, Lowry, Rolette, Thompson, and Tillotson, were absent.

The Chair ordered the Sergeant-at-Arms to report the absent members in their seats.

Mr. Freeborn moved that all further proceedings under the call of the Council be dispensed with.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:
Those who voted in the affirmative, were:
Messrs. Dooley, Freeborn, Ludden, Setzer, Stone, and Wales.
Those who voted in the negative. were:
Messrs. Balcombe, and Mr. President.
Yeas, 6. Nays, 2.

So the affirmative of the question prevailed, and all further proceedings under the call were dispensed with.

Mr. Balcombe moved the previous question be laid upon the table.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Balcombe and Mr. President.
Those who voted in the negative were,
Messrs. Dooley, Freeborn, Ludden, Rolette, Setzer, and Wales.
Yeas, 2. Nays, 6.

So the negative of the question prevailed, and the Council refused to lay said motion upon the table.

Mr. Balcombe moved that the Council adjourn.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Balcombe and Mr. President.
Those who voted in the negative were,
Messrs. Dooley, Freeborn, Ludden, Setzer, Stone, and Wales.
Yeas, 2. Nays, 6.

So the negative of the question prevailed, and the Council refused to adjourn.

Mr. Setzer in the Chair.

The question recuring upon the motion for the previous question, and the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Rolette, Setzer, Stone, Thompson, and Wales.

Those who voted in the negative were,

Messrs. Balcombe and Mr. President.

Yeas, 7. Nays, 2.

So the affirmative of the question prevailed, and the Council ordered the main question to be put.

The question being put, upon agreeing to said amendment to the title of the Bill, and the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe and Mr. President.

Those who voted in the negative were,

Messrs. Dooley, Freeborn, Rolette, Setzer, Stone, and Wales.

Yeas 2. Nays 6.

So the negative of the question prevailed and said amendment was rejected by the Council.

The question recurring upon agreeing to the title of the Bill, and being put, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Ludden, Rolette, Stone, Setzer, and Wales.

Those who voted in the negative were,

Messrs. Balcombe and Mr. President.

Yeas, 7. Nays, 2.

So the affirmative of the question prevailed, and the title of the Bill was adopted by the Council.

Mr. Balcombe moved a reconsideration of the vote just pased agreeing to the title of said Bill, C. F. No. 6.

The Chair ruled the motion not in order, inasmuch as the member moving it did not vote with the prevailing party upon that question.

Mr. Rolette, from the Committee on Enrolled Bills made the following report:

"The Committee on Enrolled Bills, have this day presented to His Excellency, the Governor, for his approval and signature, House Bill No. 20.

JOS. ROLETTE,
M. G. THOMPSON."

On motion of Mr. Stone, the Council took from the table, and resumed the Consideration of House Bill No. 64.

On motion of Mr. Ludden, the rules of the Council were suspended and said Bill was read a third time by its title, and passed.

On motion of Mr. Ludden, the rules of the Council were suspended, and C. F. No. 41 was read a third time by title, and passed.

Mr. Rolette, from the Committee on Enrolled Bills, made the following report.

The Joint Committee on Enrolled Bills report the following Bills correctly enrolled:

H. of R. No. 87; a Bill.

H. of R. No. 32; a Bill.

H. of R., an Act to define the Boundaries between the counties of Rice and Dakota.

H. of R., an Act granting to William Brewster the right to establish a Ferry across the Minnesota River.

H. of R., an Act to amend an Act to incorporate the Town of Minneapolis.

H of R.. an Act to incorporate certain Towns in this Territory.

H. of R., No. 29, Bill.

H. of R., No. 42, Bill.

H. of R., an Act to incorporate the Mississippi Valley Railway Company.

H. of R., an Act relating to District Courts, and other purposes.

H. of R., an Act to amend an Act for the government of the Territorial Prison.

C. F. No. 9, Bill.

H. of R., an Act to amend an Act to incorporte the city of Hastings.

JOS. ROLETTE,
M. G. THOMPSON."

On motion of Mr. Brisbin the rules were suspended, and the Council resolved themselves into a Committee of the Whole, upon all Bills and Memorials then in order for consideration, by said Committee.

Mr. Balcombe in the Chair.

After some time spent in Committee of the Whole, the Committee rose, and the President resumed the Chair.

Mr. Rolette, from the Committee on Enrolled Bills, made the following report.

"The Joint Committee on Enrolled Bills, report the following Bills correctly enrolled.

H. of R. No. 88, and H. of R. No.28.

JOS. ROLETTE,
M. G. THOMPSON."

The following message was received from the House of Representatives by the Clerk, and read under a suspension of the rules.

"Mr. President:—The House of Representatives have concurred in the amendments made to No. 5 H. of R., by the Council to said Bill."

Mr. Balcombe, as Chairman of the Committee of the Whole, reported that said Committee had had under consideration House Bills Nos. 75, 34, 51, 52, 47, 62, 56, 72, 85, 43, 6.

A Bill to incorporate the Leroy Academy.

A Bill to incorporate the Dakota Land Company, and House Memorial No. 3, which he reported back to the Council without amendment or recommendation, and also that said Committee had before them other Bills, the consideration of which they had not been able to finish, and asked leave to sit again; and leave, therefore, was granted by the Council.

Mr. Setzer moved a reconsideration of the vote of the Council passing House Bill No 64.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Dooley, Ludden, Setzer, Stone, Thompson, Tillotson, and Wales.

Those who voted in the negative were,

Messrs. Rolette, and Mr. President.

Yeas, 8. Nays, 2.

So the affirmative of the question prevailed, and said vote was reconsidered.

On motion of Mr. Setzer, the Council reconsidered the vote ordering said Bill to a third reading.

On motion of Mr. Setzer, the Council reconsidered the vote adopting the amendment to the Bill exempting the city of St. Anthony from the provisions of said Bill.

The question recurring upon agreeing to said amendments, the yeas and nays were called for and ordered and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Rolette, and Mr. President.

Those who voted in the negative were,

Messrs. Balcombe, Dooley, Ludden, Setzer, Stone, Thompson, Tillotson, and Wales.

Yeas 2, nays 8.

So the negative of the question prevailed and the amendment was rejected.

On motion of Mr. Setzer the rules of the Council were suspended and said Bill was read a third time by its title and passed.

On motion of Mr. Rolette, the Council took a recess until three o'clock this P. M.

THREE O'CLOCK, P. M.

The Council resumed the consideration of the report of the Committee of the Whole made this forenoon.

On motion of Mr. Balcombe the rules of the Council were suspended and a Memorial for a mail route and an Act in relation to the relief of certain citizens on United States lands, were severally read a third time by title and passed.

On motion of Mr. Balcombe the rules of the Council were suspended and House Bill No. 68 was read a third time by its title.

Upon the question of the passage of the Bill the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Dooley, Freeborn, Thompson, and Tillotson.

Those who voted in the negative were,

Messrs. Setzer, Wales, and Mr. President.

Yeas 5, nays 3.

So the affirmative of the question prevailed and the Bill passed.

On motion of Mr. Setzer the rules were suspended, and House Bill No. 43, was read a third time by title and passed.

On motion of Mr. Balcombe, the rules were suspended, and House Bill No. 85, incorporating the Big Sioux Land Company, was read a third time by its title.

Upon the question of agreeing to the passage of the Bill the ayes and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs Balcombe, Dooley, Freeborn, Stone, Thompson, and Tillotson.

Those who voted in the negative were,

Messrs. Setzer, Wales, and Mr. President.

Yeas 6, nays 3.

So the affirmative of the question prevailed and the Bill passed.

On motion of Mr. Balcombe, the rules of the Council were suspended, and the Bill incorporating the Minnesota and Dakota Land Company was read a third time by its title and passed.

On motion of Mr. Dooley, the rules of the Council were suspended, and House Bill No. 72, incorporating the Mississippi River and Lake Superior Ship Canal Company was read a third time by its title.

Upon the question of the passage of the Bill, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Dooley, Freeborn, Setzer, Stone, Thompson, Tillotson, and Wales.

Mr. President voted in the negative.

Yeas 8, nays 1.

So the affirmative of the question prevailed and the Bill passed.

On motion of Mr. Setzer, the rules of the Council were suspended, and House Bill No. 51 was read a third time by its title and passed.

Mr. Dooley moved that the rules of the Council be suspended and House Bill in relation to public roads, be read a third time by title.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Dooley, Stone, Wales, and Mr. President.

Those who voted in the negative were,

Messrs. Rolette, Setzer, and Tillotson.

Yeas 5. Nays 3.

Two thirds not voting in the affirmative, the negative of the question prevailed, and the Council refused to suspend the rules for that purpose.

Said Bill was then ordered to be read a third time.

On motion of Mr Setzer, the rules of the Council were suspended and House Bills Nos. 62 and 47, were severally read a third time by their titles and passed.

On motion of Mr. Tillotson, the rules were suspended and House Bill No. 56 was read a third time by its title and passed.

On motion of Mr. Balcombe, the rules of the Council were suspended and the Bill incorporating the Leroy Academy, House Bill No. 34 incorporating the Wabashaw Grammar School, and House Bill No. 75, were severally read a third time by title and passed.

On motion of Mr. Setzer, the rules were suspended and House Bill No. 52 was read a third time by title and passed.

A call of the Council was demanded and ordered, and the roll being called, Messrs. Bailly, Baasett, Freeborn, Humphrey, Lowry, Ludden, and Tillotson, were absent.

The Chair ordered the Sergeant-at-Arms to report the absent members in their seats.

On motion of Mr. Ludden all further proceedings under the call of the Council were dispensed with.

On motion of Mr. Setzer, the Council resolved themselves into a Committee of the Whole and resumed the consideration of the unfinished business of said Committee in accordance with leave of the Council granted this forenoon.

Mr. Balcombe in the chair.

During the sitting of said Committee, two messages were announced from the House of Representatives and the President resumed the Chair, after which the Committee continued their session until they had completed the consideration of all business before them, when the Committee rose and the President resumed the Chair.

Mr. Balcombe as Chairman of said Committee, reported House Bills Nos. 88, 70, and 27, with the recommendation that the further consideration of each of said Bills be indefinitely postponed, which recommendation was agreed to by the Council.

Mr. Balcombe as Chairman of said Committee, reported the remainder of the Bils which the Committee of the Whole had had under consideration without amendment or recommendation.

Upon motion of Mr. Setzer; House Bill No. 60 was laid upon the table.

Mr. Balcombe moved that the rules of the Council be suspended and the remainder of the Bills so reported be read a third time at that time by their titles.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Balcombe, Dooley, Freeborn, Stone, Wales, and Mr. President.

Mr. Setzer voted in the negative.

Yeas, 6. Nays, 1.

So the affirmative of the question prevailed, and the rules were thus suspended.

Mr. Rolette, from the Committee on Engrossed Bills made the following reports:

"The Committee on Enrolled Bills report the following Bill as correctly enrolled:

H. of R. No. 64.

JOSEPH ROLETTE,
M. G. THOMPSON."

"The Joint Committee on Enrolled Bills have presented to his Excellency the Governor, for his approval and signature, the following Bills.

C. F. Nos. 9 and 36.

H. of R. Nos. 32, 55, 42, 87, 29, 67.

H. of R., an Act relating to District Courts.

H. of R., an Act to amend an Act to incorporate Minneapolis.

H. of R., an Act authorizing Wm. Brewster to establish a ferry across the Minnesota River.

H. of R., an Act to define the boundaries between the counties of Rice and Dakota.

H. of R., an Act to amend an Act for the government of the Territorial Prison.

H. of R., an Act to incorporate the Mississippi Valley Railroad Company.

H. of R., an Act to incorporate certain towns in this Territory.
H. of R. No. 67.

JOSEPH ROLETTE.
M. G. THOMPSON."

House bill No. 78 was read a third time by its title and passed.

Mr. Freeborn from the Committee on Enrolled Bills made the following Report:

The Joint Committee on Enrolled Bills have presented to His Excellency, the Governor, for his approval and signature, a House bill organizing and defining the boundaries of the county of Anoka.

WM. FREEBORN,
M. G. THOMPSON.

Mr. Rolette from the same Committee, made the following report:

"The Committee on Enrolled Bills report that they have presented to His Excellency, the Governor, for his approval and signature, a bill incorporating the town of Bancroft.

JOSEPH ROLETTE,
M. G. THOMPSON.

"The Committee on Enrolled Bills report the following bills as correctly enrolled:
Council File, Nos. 33, 25, 23 and 12.

JOSEPH ROLETTE,
M. G. THOMPSON."

House Bill No. 53 was read a third time by its title under the foregoing suspension of the Rules.

Upon the question of agreeing to the passage of the bill, the yeas and nays being called for and ordered, the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Balcombe, Dooley, Freeborn, Rolette, and Stone.
Those who voted in the negative were,
Messrs. Tillotson, Wales and Mr. President.
Yeas, 6. Nays, 3.
So the affirmative of the question prevailed, and the bill passed.

House bill No. 54 was read a third time by its title, and

Upon the question of agreeing to the passage of the bill, the yeas and nays were called for and ordered, and the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Dooley, Freeborn, Rolette, Stone, Tillotson, and Wales.
Those who voted in the negative were,
Messrs. Balcombe and Mr. President.
Yeas, 6. Nays, 2.
So the affirmative of the question prevailed, and the bill passed.

The bill authorizing the Minnesota Improvement Company to build a Railroad, was read a third time by its title and passed.

House bill No. 77 was read a third time by its title; the question upon agreeing to the passage of said Bill being put, it was decided in the negative, and the Council refused to pass the bill.

House bills Nos. 41, 74, 36 and 63, were severally read a third time by title and passed.

House bill No. 39 was read a third time by its title.

Upon the question of agreeing to the passage of said bill, the yeas and nays were called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Stone and Tillotson,

Those who voted in the negative were,

Messrs. Balcombe, Wales and Mr. President.

Yeas 4, nays 3.

So the affirmative of the question prevailed, and the bill passed.

Memorial No. 4, and House bills Nos. 40, 81 and 80, a bill in relation to County Surveyors, and a bill changing the name of Mary Farnham Mason, were severally read a third time by title, and passed.

House bill No. 19 was read a third time by its title.

Upon the question of agreeing to the passage of said bill, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Stone and Tillotson.

Those who voted in the negative were,

Messrs. Balcombe, Freeborn, Rolette, Wales, and Mr. President.

Yeas, 3. Nays, 5.

So the negative of the question prevailed and the Council refused to pass said bill.

House bill No. 79 was read a third time by its title and passed.

A Message was received from the House of Representatives by their Clerk.

House bills Nos. 58, 64, 66 and 65 were severally read a third time by title and passed.

Mr. Rolette moved that the Council adjourn; and the question being put, it was decided in the negative, and the Council refused to adjourn.

Mr. Freeborn moved that the rules of the Council be suspended, and the Messages from the House of Representatives be read and considered.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Balcombe, Dooley, Freeborn, Stone and Tillotson.

Those who voted in the negative were:

Messrs. Rolette, Wales and Mr. President.

Yeas, 5. Nays, 3.

Two-thirds not voting in the affirmative, the negative of the question prevailed, and the Council refused so to suspend the Rules.

On motion, the Rules of the Council were suspended, and the following Executive Messages were read:

EXECUTIVE DEPARTMENT,
May 21st, 1857.

To the President of the Council:

SIR:—I am directed by His Excellency, to inform the Council that he has approved and signed "an act to incorporate the Mississippi and Rum River Boom Company," which originated in the Council.

Respectfully, your obedient servant,

J. J. McCULLOUGH,
Private Secretary.

EXECUTIVE DEPARTMENT,
ST. PAUL, May 19, 1857.

To the President of the Council:

SIR:—I am directed by His Excellency to announce to the Council that he has approved and signed "an Act to assign the Justices of the United States Court of the Territory of Minnesota to the several Judicial Districts," which originated in the Council.

Respectfully, your obedient servant,
J. J. McCULLOUGH,
Private Secretary.

EXECUTIVE DEPARTMENT,
ST. PAUL, May 22d, 1857.

To the President af the Council:

SIR:—His Excelleney, the Governor, has instructed me to inform the Council that he has approved and signed "an Act to annex a portion of the County of Mower to the County of Olmsted."

"A Bill for an Act to incorporate the Minnesota Air Line Railroad Company," which originated in the Council.

Respectfully, your obedient servant,
J. J. McCULLOUGH,
Private Secretary.

Mr. Freeborn moved that the Rules of the Council be suspended.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were:

Messrs. Balcombe, Dooley, Freeborn, Stone and Tillotson.

Those who voted in the negativa were:

Messrs. Wales and Mr. President.

Yeas, 5. Nays, 2.

So the affirmative of the question prevailed, and the Rules were thus suspended.

A message was received from the House of Representatives, by their Clerk.

The following Message received from the House of Representatives was read:

"Mr. PRESIDENT:—The House of Representatives have concurred with the Council in the passage of C. F. Nos. 14, 26 and 24, with amendments.

Also, Bills Nos. 22, 42, 23, 38, 31, 5, 17, 7, 11, 16, 27, 32 and 34, and Memorial No. 2, without amendment, which are herewith returned.

"The Speaker has signed C. F. Nos. 36 and 39, reported as correctly enrolled by the Committee on Enrolled Bills."

C. F. Nos. 36 and 9, were then signed by the President.

The following messages from the House of Representatives were read:

Mr. PRESIDENT: The House have concurred in the passage of Counci. Bills Nos. 44, 6, and 41, without amendment which are herewith returned

Also No. 30, with amendments.

The House have also passed Nos. 91 and 93, H. of R., in which the concurrence of the Council is solicited.

Mr. PRESIDENT: The House have passed No. 92, H. of R., in which the

concurrence of the Council is solicited and have also concurred with the Council, in the passage of Nos. 42 and 43, C. F., and No. 5, C. F., a Memorial without amendment, and the same are herewith transmitted.

Mr. President: The House of Representatives has passed No. 76, H. of R., a Bill to make an appropriation to defray the expenses of the Extra Session of the Legislature, &c.

Which is recommitted and the concurrence of the Council is solicited.

Mr. President: The House of Representatives have passed House Files Nos. 59, 48, and 86, in which the concurrence of the Council is solicited.

Mr. President: The House have passed the following Joint Resolution:

Resolved, The Council concurring that the Joint Committee on Enrolled Bills be instructed to return C. F. Nos. 1 and 10, and House File No. 5, into the hands of the Secretary of the Council and Chief Clerk of the House, in which the same may have originated.

The amendment of the House to C. F. No. 30, named in the last preceding message was concurred in by the Council.

House Bill No. 48, was read a first and second time.

Mr. Tillotson moved that the rules of the Council be suspended, and said Bill be read a third time at the present time by its title.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative, were:

Messrs. Freeborn, Rolette, Stone, Tillotson, and Wales.

Those who voted in the negative were,

Messrs. Balcombe, Dooley, and Mr. President.

Yeas, 5. Nays, 3.

Two thirds not voting in the affirmative the negative of the question prevailed and the Council refused so to suspend the rules.

Upon the question shall the said Bill be read a third time be put, it was decided in the affirmative and said Bill was ordered to be read a third time.

House Bill No. 93, was read a first and second time.

Mr. Balcombe in the Chair.

On motion of Mr. Brisbin the rules of the Council were suspended and House Bills Nos. 91 and 59, were read a first, second and third time by title and passed.

Mr. Rollette moved that the rules of the Council be suspended and House Bill No. 48 be read a first, second and third time, by title, and put on its passage.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs Dooley, Freeborn, Rolette, Stone, Tillotson, and Mr. President.

Mr. Balcombe voted in the negative.

Yeas, 6. Nays, 1.

So the affirmative of the question prevailed, and said Bill was thus read a first, second and third time.

Upon the question of agreeing to the passage of the Bill, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Rolette, Stone, Tillotson, and Mr. President.

Those who voted in the negative were,

Messrs. Balcombe, and Wales.

Yeas 6. Nays 2.

So the affirmative of the question prevailed, and the Bill passed.

On motion of Mr. Tillotson, the rules of the Council were suspended, and House Bill No. 72 was read a first, second and third time, by its title, and passed.

On motion of Mr. Dooley, the House resumed the consideration of C. F. No. 14, with the amendments proposed thereto by the House of Representatives, which were severally concurred in by the Council.

On motion of Mr. Stone, the House resumed the consideration of C. F. No. 24, with the amendments proposed thereto by the House of Representatives, which were severally concurred in by the Council.

House Bill No. 86, was read a first and second time by title.

House Bill No. 93, was read a first and second time, by title, and on motion of Mr. Rolette, the further consideration of said Bill was indefinitely postponed.

On motion of Mr. Wales, the rules of the Council were suspended, and House Bill No. 86, was read a third time, by title, and passed.

On motion of Mr. Brisbin, House Bill No. 76, was read a first and second time by title, and referred to a Select Committee.

The Chair appointed Messrs. Ludden, Setzer, and Stone, said Committee.

The President resumed the Chair.

On motion of Mr. Balcombe, the Council adjourned.

J. B. BRISBIN, President.

L. Smith, Secretary.

SATURDAY MORNING, May, 23, 1857.

Council met pursuant to adjournment and was callled to order by the President.

The roll being called the following members answered to their names:

Messrs. Balcombe, Dooley, Freeborn, Rolette, Setzer, Stone, Tillotson, Wales, and Mr. President.

On motion of Mr. Tillotson the rules of the Council were suspended and the reading of the journal of yesterday was dispensed with.

Mr. Balcombe moved that the vote of the Council on yesterday refusing to pass House Bill No. 19, be reconsidered.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows:

Those who voted in the affirmative were

Messrs. Balcombe, Dooley, Freeborn, Stone, Tillotson, Wales, and Mr. President.

Mr. Setzer voted in the negative.

Yeas, 7. Nays, 1.

So the affirmative of the question prevailed, and said vote was reconsidered.

Mr. Setzer moved a call of the Council which was ordered, and the roll being called Messrs. Bailly, Basett, Humphrey, Lowry, Ludden, Rolette, and Thompson, were absent.

On motion of Mr. Freeborn all further proceedings under the call of the Council were dispensed with, and the question recurring upon agreeing to the passage of House Bill No. 19, and being put it was decided in the affirmative and the Bill passed.

Mr. Rolette from the Joint Committee on "Enrolled Bills" made the following reports:

"The Committee on Enrolled Bills report that they have this day presented to his Excellency, the Governor, for his approval and signature, the following Bills:

C. F. Nos. 19, 20, and 41.

H. of R. Nos. 54, 92, 85, 34 and 68.

H. of R., Mississippi Improvement Company.

H. of R., relative to mills.

JOS. ROLETTE,
M. G. THOMPSON."

"The Committee on Enrolled Bills report the following named Bills correctly enrolled.

H. of R. Nos. 91, 95, 52, 56, 47, 35, 63, 59, 85, 68, 92, 34, 53, 54.

C. F. Nos. 43, 19, 16, 20, 44, 42, 41, and 19.

H. of R., an Act to authorise the Minnesota Improvement Company to build a certain Railroad.

H. of R., Memorial.

C. F. No. 44, an Act to incorporate the Stillwater, St. Paul and Breckenridge Telegraph Company.

JOS. ROLETTE,
M. G. THOMPSON."

"The Committee on Enrolled Bills report the following Bills as correctly enrolled:

C. F. Nos. 35, 34, 27, 30, 7, 2, 22, 32, 42, 24, 6, and 5.

H. of R. No. 72.

JOS. ROLETTE,
M. G. THOMPSON."

"The Committee on Enrolled Bills report that they have presented to his Excellency the Governor, the following Bills for his approval and signature:

H. of R. Nos. 62, 43, 61.

C. F. Nos. 25, 12, 38.

An Act for the relief of citizens, &c.

JOS. ROLETTE,
M. G. THOMPSON."

"The Committee on Enrolled Bills report the following bills as correctly enrolled.

H. of R., Nos. 49 and 51.

C. F., No. 31, An act to incorporate the Minnesota and Dakota Land Company.

JOSEPH ROLETTE,
M. G. THOMPSON"

Mr. Setzer, from a Select Committee to whom had been referred House Bill No. 76, reported the same with sundry amendments which were adopted by the Council.

On motion of Mr. Setzer the rules of the Council were suspended and said bill was read a third time by its title and passed.

On motion of Mr. Tillotson the vote of the Council on yesterday, indefinitely postponing House Bill No. 70, was reconsidered.

The question recurring upon agreeing to the indefinite postponment of said Bill, and being put it was decided in the negative, and the Council refused so to postpone the Bill.

On motion of Mr. Tillotson the rules of the Council were suspended and said Bill was read a third time by its title and passed.

On motion of Mr. Stone the rules were suspended and C. F. No. 45 was taken up and read a third time by title and passed.

Mr. Balcombe in the Chair.

On motion of Mr. Brisbin, the vote of the Council on yesterday, indefinitely postponing House Bill No. 88, was reconsidered.

On motion of Mr. Brisbin the rules of the Council were suspended and said Bill was read a third time by its title and passed.

The following message from the House of Representatives was then read:

"Mr. President: The House have passed House Bill No. 57, to incorporate the Chelsea Plank Road or McAdamized Road Company, in which the concurrence of the Council is solicited."

On motion of Mr. Setzer, the rules of the Council were suspended and said House Bill No 57, was read a first and second time by title.

Mr. Rolette moved that the rules be suspended and said Bill be read a third time at the present time by title.

On motion of Mr. Freeborn, said Bill was referred to the Committee on Incorporations.

Mr. Setzer, by unanimous consent of the Council, introduced C. F. No. 46, which was read a first and second time.

On motion of Mr. Thompson the rules of the Council were suspended and said Bill was read a third time and passed.

The following message received from the House of Representatives by their Clerk, was read:

Mr. President: The House have concurred in the amendment to House Bill No. 76, a Bill to provide for the defraying the expenses of the extra session of the Legislature."

Mr. Rolette from the Committee on Enrolled Bills made the following report:

"The Committee on Enrolled Bills report the following as correctly enrolled:

C. F. No. 11, to incorporate the Minnesota Central Railroad Company.

JOS. ROLETTE,
M. G. THOMPSON."

Mr. Freeborn, by leave, introduced a joint resolution in regard to school lands, which was read a first time.

Mr. Freeborn moved that the rules of the Council be suspended and said resolution be read a second and third time by title and put upon its passage.

Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Rolette, Setzer, Stone, Thompson, and Tillotson.

Mr. Balcombe voted in the negative.

Yeas 7. Nays 1.

So the affirmative of the question prevailed, and the rules were suspended.

The resolution was then read a second and third time by title.

Upon the question of agreeing to the passage of the Bill, the yeas and nays being called for and ordered, the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Rolette, Setzer, Stone, and Tillotson.

Those who voted in the negative were,

Messrs. Balcombe, and Wales.

Yeas 6. Nays 2.

So the affirmative of the question prevailed and said resolution passed.

The following message from the House of Representatives by their Clerk, was read.

"Mr. President: The House have passed Nos. 45 and 46 C. F., without amendment, which are herewith returned."

On motion of Mr. Setzer, the Council took a recess until three o'clock this P. M.

THREE O'CLOCK, P. M.

The President in the Chair.

Mr. Rolette, from the Committee on Enrolled Bills, made the following reports.

"The Jont Committtee on Enrolled Bills report the following named Bills correctly enrolled:

H. of R. No. 48.

C. F. No. 46.

H. of R., an Act to incorporate the Southern Minnesota Land Company.

H. of R., an Act to provide for the payment of expenses of the Convention to form a Constitution for Minnesota.

H. of R., No. 58, C. F. No. 14, H. of R. No. 74, C. F. No. 45.

JOS. ROLETTE,
M. G. THOMPSON."

"The Joint Committee on Enrolled Bills have this day presented to His Excellency, the Governor, for his approval and signature, the following Bills:

H. of R. Nos. 59, 49, 39, 75, 63, 52, 35 and 56.

H. of R., an Act to legalize records of certain towns.

H. of R., an Act to incorporate the Minnesota and Dakota Land Company.

H. of R., an Act to amend an Act to incorporate the St. Cloud Bridge Company.

H. of R., an Act to incorporate Minnesota Central R. R. Company.

C. F. to incorporate the Mississippi and Superior Ship Canal Company.

H. of R. No. 3, Memorial.

C. F. Nos. 30, 17, 34, 35, 42, 27, 16, 34, 24 and 43, and 42.

An Act to establish certain counties.

An Act to establish certain counties, and for other purposes, and an Act to incorporate the Stillwater, St. Paul and Breckenridge Telegraph Company.

C. F. No 46.

H. of R., an Act to incorporate the Southern Minnesota Land Company.

H. of R. an Act to provide for the payment of the expenses of a Convention to form a Constitution for Minnesota.

H. of R., Nos. 76, 38 and 19.

JOS. ROLETTE,
M. G. THOMPSON."

"The Committee on Enrolled Bills, reported the following Bills as correctly enrolled.

H. of R. Nos. 36, 66, 64, 65, 45.

JOSEPH ROLETTE,
M. G. THOMPSON."

The following message was received from the House Representatives by the Clerk, and read.:

Mr. PRESIDENT:—The House have passed the following Joint Resolution:

Resolved, (the Council concurring,) That the Governor be authorized to appoint some suitable person to take charge of the Capitol Buildings, and to prepare the Hall of the House of Representatives for the members of the Constitutional Convention at St. Paul, and also,

Resolved, (the Council concurring,) That the Legislative Assembly of the Territory of Minnesota, adjourn without day, at 12 o'clock M., on Monday the 25th day of May 1857.

Mr. Ludden moved that the Council now concur with the House of Representatives in the passage of the foregoing resolution, in relation to preparing the Hall of the House of Representatives for the use of the members of the Constitutional Convention.

Upon the question of agreeing to said motion the yeas and nays being called for and ordered the result of the vote was as follows:

Those who voted in the affirmative were,

Messrs. Freebornn, Tillotson and Mr President.

Those who voted in the negative were,
Messrs. Dooley, Ludden, Setzer, Stone, Thompson and Wales.
Yeas 3. Nays 6.
So the negative of the question prevailed, and the motion was lost.
It was moved that the Council adjourn.
Upon the question of agreeing to said motion the yeas and nays were called for and ordered and the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Dooley, Ludden, Thompson and Wales.
Those who voted in the negative were,
Messrs. Freeborn, Rolette, Setzer, Stone, Tiilotson and Mr. President.
Yeas 4. Nays 6.
So the negative of the question prevailed and the Council refused to adjourn.
Mr. Setzer moved a call of the Council, which was ordered.
The roll being called, the following members were absent:
Messrs. Bailly, Balcombe, Bassett, Humphrey and Lowry.
Mr. Rolette moved that all further proceedings under the call of the Council be dispensed with.
Upon the question of agreeing to said motion, the yeas and nays being called for and ordered, the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Dooley, Freeborn, Rolette, Setzer, Stone and Mr. President.
Those who voted in the negative were,
Messrs. Ludden, Thompson and Wales.
Yeas 6. Nays 3.
So the affirmative of the question prevailed, and all further proceedings under the call of the Council, was dispensed with.
Upon the question, will the Council concur with the House in the passage of said resolution? the yeas and nays were called for and ordered, and the result of the vote was as follows:
Those who voted in the affirmative were,
Messrs. Freeborn, Rolette, Setzer, Stone and Mr. President.
Those who voted in the negative were,
Messrs. Dooley, Ludden, Thompson and Wales.
Yeas 5, nays 4.
So the affirmative of the question prevailed and the Council concurred with the House in the passage of said resolution.
The Joint Resolution received from the House in relation to the final adjournment of the Legislature, was read and concurred in by the Council.
Mr. Rolette, from the Committee on Enrolled Bills, made the following reports.
"The Committee on Enrolled Bills report that they have presented to His Excellency, the Governor, for his signature and approval, the following Bills.
No. 14 C. F., an Act for the relief of Isaac Day.
An Act to incorporate the Dramatic Association.
H. of R., No. 58. C. F. 45.

JOS. ROLETTE.
M. G. THOMPSON."

"The Committee on Enrolled Bills, report the following Bill correctly enrolled:-

H. of R. No. 77.

JOS. ROLETTE,
M. G. THOMPSON."

On motion of Mr. Rolette, the Council adjourned.

J. B. BRISBIN, President.

L. SMITH, Secretary.

MONDAY, MAY 25, 1857.

The Council met pursuant to adjournment, and was called to order by the President.

The roll being called, the following members answered to their names:

Messrs. Dooley, Freeborn, Rolette, Setzer, Stone, Thompson, Tillotson and Mr. President.

On motion of Mr. Setzer, the rules of the Council were suspended, and the reading of the Journal of Saturday last, was dispensed with.

Mr. Rolette from the Committee on Enrolled Bills made the following reports:

"The Committee on Enrolled Bills report the following Bills as correctly enrolled.

No. 86, H. of R.

C. F. No. 5, Memorial.

JOS. ROLETTE,
DANA. T. CASE."

The Committee on Enrolled Bills, have presented to His Excellency the Governor, for his approval and signature, House Bills Nos. 77, 64, 66, 65, 34, 36, 50, and 81.

An Act to incorporate the North Western Pioneer Land Company.

An Act to change the name of Mary Farnham Mason, to Mary Mason Farnham.

An Act to regulate the compensation of County Surveyors in the Territory of Minnesota.

JOS. ROLETTE,
DANA T. CASE.

The following Message received from the House of Representatives by their Clerk, was read:

Mr. PRESIDENT: The House of Representatives have passed H. of R. No. 94, a Bill to incorporate the town of La Sueur City, which is herewith transmitted and the concurrence of the Council is solicited.

Mr. Rolette moved that the rules of the Council be suspended, and House Bill No. 13, be read a third time by title.

The question being put upon agreeing to said motion, it was decided in the negative and the Council refused so to suspend the rules.

Mr. Freeborn submitted the following resolution, which was adopted by the Council :

Resolved, That a Committee of two be appointed to act with a similar Committee on the part of the House, to wait upon His Excellency the Governor, and inform him that both Houses are ready to adjourn, *sine die*, if he has no further official communication to make.

The Chair appointed Messrs. Freeborn and Thompson, said Committee on the part of the Council.

Mr. Dooley in the Chair.

Mr. Rolette moved that the rules of the Council be suspended and House Bill No. 13, be read a third time by its title.

Upon the question of agreeing to said motion, the yeas and nays were called for and ordered, and the result of the vote was as follows :

Those who voted in the affirmative were,

Messrs. Freeborn, Rolette, Setzer, Stone, nnd Tillotson.

Those who voted in the negative were,

Messrs. Dooley, Thompson, and Mr. President.

Yeas, 5. Nays, 3.

Two thirds not voting in the affirmative, the negative of the question prevailed and the Council refused to suspend the rules.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report :

The Committee on Enrolled Bills report that they have presented to His Excellency the Governor, for his signature and approveal the following Bill :

No. 86, H. of R.

No. 5, C. F., Memorial.

JOSEPH ROLETTE,
M. BLACK.

The following Message received from the House of Representatives by their Clerk, was read :

Mr. President : The House of Representatives have appointed Messrs. Humphrey and Whitlock, a Committee to act in conjunction with a similar Committee, appointed by the Council to wait upon His Excellency the Governor, and enquire if he has any further cummunications to make to both Houses.

The following Executive Messages were read :

Executive Department,
May 22, 1857.

To the President of the Council :

Sir : I am directed by His Excellency to announce to the Council that he has approved and signed, "An Act to incorporate the town of Mantorville," which originated in the Council.

Respectfully your obedient servant,
J. J. McCULLOUGH, Private Secretary.

EXECUTIVE DEPARTMENT,
May 23, 1857,

To the President of the Council:

SIR: I am directed by His Excellency to inform the Council that he has approved and signed, "An Act to incorporate the town of Manhatten," and an Act to organize the St. Augusta Boom Company.

Which originated in the Council.

Respectfully your obedient servant,
J. J. McCULLOUGH, Private Secretary.

EXECUTIVE DEPARTMENT,
May 23, 1857.

To the President of the Council:

SIR: I am directed by His Excellency to inform the Council that he has approved and signed, "An Act to organize the county of Manomin," which originated in the Council.

Respectfully your obd't. servant.
J. J. McCULLOUGH, Private Secretary.

EXECUTIVE DEPARTMENT,
May 23, 1857.

To the President of the Council:

SIR: His Excellency, the Governor has directed me to inform the Council that he has approved and signed, "A Bill to incorporate the American and European Emigrant Aid Company."

Respectfully your obd't servant,
J. J. McCULLOUGH, Private Secretary.

EXECUTIVE DEPARTMENT,
May 23, 1857.

To the President of the Council:

SIR:—His Excellency, the Governor, has instructed me to inform the Council that he has approved and signed

A Bill for an act to incorporate the town of Endion.

A Bill relative to an improvement in the City of St. Paul.

An act granting to William Wakefield, his heirs, &c., a charter to keep a ferry across the Missouri River.

A Memorial to the Postmaster General of the United States.

An act granting to Louis Jerome and his heirs, a charter to establish and keep a ferry across the Red River.

A bill for an act to incorporate the Minnesota Point and Knife River Plank Road Company.

A bill to change the name of the Root River Valley and Southern Minnesota Railroad Company.

An act to incorporate the town of Buffalo, and for other purposes.

An act to locate a Territorial Road from the Big Sioux River to the Missouri River.

An act to grant the right to establish and maintain a Bridge across the Zumbro.

An act to incorporate the Minnesota Western Express Company.

An act to legalize the acts of the County Officers of the Counties of Benton, Stearns and Morrison.

An act to incorporate the Dakota Land Company.

An act to encourage the erection of Mill Dams and Mills.

An act to establish the boundaries of certain Counties, and for other purposes.

An act to extend Rice Street within the City of St. Paul.

An act to incorporate the Sauk Rapids Bridge Company.

An act to incorporate the Sauk Rapids and Sauk River Manufacturing Company.

An act granting to Lewis A. Thomas and Austin Adams, their heirs, &c., a charter to establish and keep a ferry across the Missouri River.

An act to incorporate the Minnesota Central Railroad Company.

An act to incorporate the Stillwater, St. Paul and Breckenridge Telegraph Company.

An act in relation to Juries.

An act to establish certain counties and for other purposes.

A Bill to incorporate the Crow Wing and Lake Superior Railroad Company.

An act to incorporate the Nebraska and Lake Superior Railroad Company.

All of which originated in the Council, and C. F. No. —, Memorial to the Secretary of the Interior.

Respectfully, your obedient servant,

J. J. McCULLOUGH,
Private Secretary.

Mr. Freeborn, from the Joint Select Committee, appointed to wait upon His Excellency, the Governor, and inform him that both Houses were ready to adjourn without day, if he had no further official communication to make, reported that said Committee had attended to the said duties assigned them, and that His Excellency, the Governor, had replied to them that he had no further communication to make.

At 12 o'clock, M., on motion of Mr. Setzer, the Council adjourned without day.

J. B. BRISBIN, President.

L. Smith, Secretary.

JOURNAL

OF AN

EXECUTIVE SESSION,

OF THE

TERRITORIAL COUNCIL OF MINNESOTA.

THURSDAY, MAY 14, 1857.

The following Executive Communication was read:

EXECUTIVE DEPARTMENT,
ST. PAUL, May 7, 1857.

To the President of the Council:

SIR:—I respectfully ask that the appointment of George W. Armstrong as Treasurer of the Territory of Minnesota, in place of Charles E. Leonard, be confirmed by the Council.

S. MEDARY.

Mr. Bassett moved that said appointment be confirmed.

Upon the question of agreeing to said motion, the Council voted as follows:

Messrs. Bailly, Balcombe, Bassett, Dooley, Freeborn, Humphrey, Lowry, Rolette, Thompson, Tillotson, Wales and Mr. President voted in the affirmative.

Messrs. Setzer and Stone voted in the negative.

So said appointment was confirmed by the Council.

On motion of Mr. Rolette, the Executive Session of the Council was dissolved.

JOHN B. BRISBIN, President.

L. SMITH, Secretary.