

that County, and from the townships to be affected by said change, could reach this House.

A Message from his Excellency the Governor being announced, Mr. Smith, his private Secretary, appeared and delivered the following Message :

EXECUTIVE DEPARTMENT, }  
SAINT PAUL, Feb. 14, 1857. }

*To the Speaker of the House of Representatives :*

SIR : I herewith return to your honorable body " a Bill to repeal an Act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a Ferry across the Mississippi River, and an Act to amend an Act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a Ferry across the Mississippi River," which originated in the House of Representatives, with my objections to its becoming a law.

In order to a correct understanding of the merits of the Bill above referred to, it is necessary to state succinctly the history of the Charter sought to be repealed. The first Charter was approved by His Excellency Governor Ramsey, Feb. 27, 1852. The second Charter was approved March 2, 1855, and extended the time stated in the first Charter in consideration that the Ferry should be operated by steam, to meet the enlarged wants of the traveling public.

Before the passage of the amendatory Act, Isaac N. Goodhue sold and assigned all his right and interest in said Charter to Mrs. Henrietta Mann, formerly Mrs. Henrietta Goodhue, widow of James M. Goodhue, one of the original grantees named in said Charter. On the 27th of February, 1855, said Henrietta Mann and T. T. Mann, her husband, leased said Ferry to J. E. Fullerton, at an annual rent therein stated, for the term of seven years, which lease has been exhibited to me, and from which it appears that she has yet an interest in the boats, machinery, &c., now operating said Ferry. This contract between the grantees of the franchise and the lessee is still in force, the time not having as yet expired. Subsequently, said lessee, J. E. Fullerton, has sub-let his interest in said Ferry to one Alpheus R. French, who has during the past Summer and Fall had the care and management and operation of said Ferry, subject to the original lease, and to the rights of the original grantees. You will perceive, therefore, that Henrietta Mann, (formerly Henrietta Goodhue,) and T. T. Mann, are the grantees of said Charter, now sought to be repealed by this Bill ; that Alpheus R. French is their lessee ; in other words, that they are his principals, and he is their tenant, and that there is a valid and subsisting contract existing between the grantees and the identical person who asks the passage of this Bill, for his own benefit. This Mr. French has taken upon himself, in the most solemn form of contract, to keep and maintain this Ferry according to the requirements of the Charter, and if any neglect has occurred, or if any mismanagement, or any violation of the Charter has taken place during the past year, Mr. French is alone responsible for it. And if the Goodhue Charter is repealed by this Bill, Mr. French will have availed himself of his own culpable neglect to dispossess his principal and transfer the resulting benefits to himself. After this Bill was introduced into the House of Representatives, and before its final passage, this identical Mr. French circulated a remonstrance against the repeal of the Goodhue Charter, but seems mysteriously to have aban-

done it upon being made a party to the present Bill, all of which has been done without notice to the grantees of the original Charter. The power to repeal the said Ferry Charter is clear. But this power surely was never expected to be exercised without sufficient cause being shown. And if such sufficient cause does now exist, one of the parties who seeks the benefits of its repeal is responsible, and if successful, the Legislature will enable him to take advantage of his own wrong to oust his principal and thus impair the obligation of a subsisting legal contract, and consequently be a direct violation of the tenth section of the first article of the Constitution of the United States.

I have the honor, in conclusion, to say, that the facts herein stated are in my possession, and in the most substantial form, leaving the conclusion of law inevitable.

Mr. Murray moved to lay the Message from the Governor and the accompanying Bill on the table, and the yeas and nays being called for and ordered, there were yeas 14, nays 17, as follows :

Those who voted in the affirmative were,

Messrs. Abbe, Branch, Berry, J. R. Brown, Costello, Chamblin, Kingsbury, Murray, Noble, Payne, Ramsey, Stannard, Sweeney, Wilson.

Those who voted in the negative were,

Messrs. Adams, Barrows, Baasen, Black, Foster, Greeley, Gere, Hetchman, Hayden, King, Keith, McVey, Plumer, Thompson, Thomas, Whitlock and Mr. Speaker.

The House refused to lay them on the table.

The question then being, Shall the bill be passed, the Governor's veto notwithstanding? and the yeas and nays being called for and ordered, there were yeas 5, nays 26, as follows :

Those who voted in the affirmative were,

Messrs. Abbe, Black, Costello, Chamblin, Murray.

Those who voted in the negative were,

Messrs. Adams, Branch, L. M. Brown, Berry, Barrows, Baasen, J. R. Brown, Foster, Greeley, Gere, Howell, Hetchman, Hayden, King, Keith, Kingsbury, McVey, Noble, Plumer, Payne, Stannard, Sweeney, Thompson, Thomas, Whitlock and Mr. Speaker.

So the House refused to pass the Bill.

Mr. Thompson, from the Committee on Enrolled Bills, reported that they had this day presented to His Excellency the Governor the following Bills and Memorials for his signature, viz:

No. 8, H. of R., No. 4, H. of R., and No. 2, C. F., Memorials to Congress.

No. 61, H. of R., a Bill.

No. 42, H. of R., a Bill.

No. 10, C. F., a Bill.

No. 233, H. of R., a Bill.

A Message from the Governor being announced, Mr. Smith, Secretary, appeared and delivered the following Message :

MR. SPEAKER: Agreeable to Resolution of the House of Representatives, I herewith return Bill No. 8, to incorporate the Winnebago Water Power Company.

Mr. Greeley, from the Committee on Engrossed Bills, reported the following Bills and Joint Resolutions as correctly engrossed, viz :

No. 107, H. of R., an Act to incorporate the Northfield Institute, at Northfield, in the County of Rice.