

We have the following synopsis prepared by the editors of the Baltimore American—NEW YORK.

The Legislature of New York met at Albany on the 1st inst. The Lieutenant Governor, Gov. John Tracy took the chair as presiding officer in the Senate, and Charles E. Livingston was re-elected Speaker of the Assembly, without much opposition.

The message of the new Governor, Wm. J. Marc, was received on the 2nd.

Silas Wright, Jr. Comptroller of the State, was on the 5th, chosen without opposition, to the United States Senate, for the unexpired term of Judge May, elected Governor.

The message adverted in the first place, to the general condition of the State as a subject for thankfulness and congratulation, and, referring to the ravages of the Cholera during the last season, among the exceptions to this prosperity, suggests the renewal and improvement of precautionary measures for the future.

The subject of the State prisons and penitentiaries is treated in detail, showing the number of convicts received into each during the past year, the number discharged, by pardon or the expiration of their time, or death, and the state of the finances, except that of the prison at Sing Sing, where the cholera prevailed to so great an extent in the summer.

The number of convicts now in that prison is 866, of whom 273 have been received during the last year, being 65 less than in the previous year. The number of deaths by Cholera and otherwise, during the year, was 145; 165 have been regularly discharged, 32 pardoned, and 20 transferred to Auburn.

In the Auburn prison the number at present is 679; the number received during the year was 114, 27 less than in the previous year. There have been 114 regular discharges, 27 pardons, and 18 deaths. The amount earned by the convicts in this prison during the year was \$4,550 83; and the amount of all the charges for support, repairs to the prison, and erecting an additional building 100 feet by 40, was only \$37,265 41.

There has been no conviction for a capital offense, in the State during the year.

The message next suggests the necessity of legal provisions to prevent the introduction of convicts into the State, shipped by foreign authorities, a case of which has occurred in New York; and notices the subject of lotteries and the militia system. The numerical force of the New York militia, according to the adjutant general's report, 189,000 men.

The common school system of the State is noticed with praise and satisfaction. There are 811 towns and wards (being the whole number in the State) and abstracts from 2,340 school districts in which they are divided, give the number of children between five and sixteen years of age, at 938,873, of whom 49,199 have been taught in the common schools during the year.

The public moneys expended for these purposes (including the State appropriation of \$100,000, and local town funds amounting to \$17,193) have amounted to \$305,582, to which are added the sums contributed by the districts themselves, amounting to \$550,392; the whole amount being \$855,974, and the amount of the payment of teachers. The entire expenditure for the year is estimated by the Superintendent at \$1,126,000, a prodigious sum, which exhibits as well the mighty resources of the State, as the enlightened public spirit with which they are applied. The capital of the Common School fund has had a net increase since the adoption of the new constitution, of \$579,847, and now amounts to \$1,735,175.

The public institutions, medical, scientific and literary, are commended to the patronage of the State, and several charitable institutions are enumerated in the same view.

The county poor house system has been partially carried into effect by the purchase of farms, and erection of poor houses in forty five of the counties of the State, (except N. York) at an expense of \$168,810, each county averaging \$3,975. The entire poor house cost \$50,000. All the poor houses, including that at New York, contained on the 31st December 1831, 5,554 paupers. The average annual cost of supporting each pauper, is \$33 29.

The next subject treated of in the message is the state of the Canals and Canal funds.

The income from the Erie and Champlain Canals and the Canal fund for the year has been \$1,594,000, and the same has been expended under their control, applicable to the redemption of the debt, about \$1,055,000; and it is anticipated that if the Canal funds are not diverted, the whole debt will be extinguished by the 1st January 1838.

The Governor, however, suggests the necessity of certain alterations in the application of these funds, and the establishment of a new system of revenue. The ordinary expenses of the State have been heretofore paid without resort to taxation by the general fund of the State, which is nearly exhausted, and the general fund is only about \$570,000, of which a large portion is liable for the debt due Mr. J. J. Astor. The question is submitted to the Legislature whether it would be expedient to divert the auction and salt duties to the use of the general fund, at least to the amount formerly taken from that fund, for the benefit of the canal, and to devote the remainder to the debt, or to create a debt redemption fund out of the canal tolls after the debt shall have been extinguished, or to levy a general tax for the support of government.

The general question of authorizing and sanctioning internal improvements by Government, is discussed at some length by Governor Marc, concluding with some general suggestions upon the proper rules of legislative inquiry and investigation.

The message is explicitly in favor of the constitutional right of the general government to protect manufacturers. We quote the doctrine expressed in relation to South Carolina Nullification, which are firm yet temperate, treating that desperate "remedy" in a tone of proper disfavor: "for the State of New York, and at the same time avowing the willingness of that State to consent to such a modification of the Tariff laws as will remove all just ground of complaint and afford substantial relief to every real grievance."

The controversy with New Jersey is noticed, and a proposal suggested for settling the boundary as dispute by an amicable commission.

The death of Charles Carroll of Carrollton is mentioned in appropriate terms.

After several minor suggestions for legislative action, the message concludes with a pledge on the part of the new Governor, to do every thing falling within the sphere of his legislative powers, and his own abilities, to preserve the sovereign rights of the State, to secure the due execution of the laws, to sustain our invaluable institutions, to develop the vast and unexplored resources, with which we are liberally supplied by nature, and to carry us on in the progress of moral, intellectual and physical improvement, wisely, bravely and so prosperously continued, that we have already become, under the operation of the free principles of our government, and with

the favorable regard of Him who controls the destiny of nations, a great, a happy, and a powerful commonwealth."

The following are the passages in the message, which treat of South Carolina affairs: "I perform an unpleasant duty in laying before you, at the request of the Governor of South Carolina, the proceedings of a recent Convention of the people of that State. In expressing my unequivocal disapprobation of those proceedings and my deep regret that a State which, in all past time, has so nobly performed her duty to the confederacy of which she is a member, should thus attempt to exonerate her citizens from the operation of the laws of the U. States, I am persuaded I do but speak the universal sentiment of the people of this State. For the first time in the history of this republic, a claim has been set up, on the justly cherished ground of State Rights, which, if well founded, belongs equally to all the members of the Union, but which is repudiated by all, and by none more earnestly than those members who, in respect to the evils complained of, and for the redress of which the claim in question has been asserted, stand in precisely the same situation with the State of South Carolina. Whatever, therefore, may be the nature and extent of the alleged grievances, I do not go too far, I trust, in assuming that the remedy to which our fellow citizens of South Carolina have resorted, and on the strength of which they are apparently preparing for themselves the most fearful of all responsibilities, is not merely unauthorized by the Constitution of the United States but fatally repugnant to all the objects for which it was framed. Let their doctrine be once established, and the Union of these States is destroyed forever.

From a state of things so novel in its character, and so ruinous to its tendencies, duties of the highest importance, increasing in interest and delicacy, according to the course of events, may devolve upon us as one of the members of the sacred union of these States. Whatever embarrassments may arise, I feel confident that the people and the government of this State will support the Executive of the United States in all measures which are proper, and may be necessary for the preservation of the Union, and for the due execution of the laws, and will faithfully perform all their duties resulting from our national compact. But I should be unmindful of the just and generous character of our constituents, if in expressing what I believe to be their sentiments, I did not at the same time disclaim for New York all desire to aggrandize herself at the expense of her sister States, or to pervert to local purposes a system of government intended for the common benefit of all. She cherishes the union of these States—she knows what cost she estimates as highly as any other member its value—both on account of the benefits it confers, and the evils it averts, and it is not to be doubted that she would make any sacrifice which would be considered reasonable, to preserve it. Though its destruction would not certainly be more calamitous to her than to others, yet none will wish it to longer, or exceed her in great and generous efforts to sustain it.—Without it she might be prosperous; but her highest prosperity would be embittered by regrets on account of the blessings lost to herself, her associates, and to the world; with it there is no policy that would be long pursued by a people so virtuous and enlightened as those of the United States, under which she could fail to be an important and flourishing commonwealth. If, therefore, the operation of existing laws be adverse to these views, I am persuaded New York will consent to such a modification of the laws as will remove all just ground of complaint, and afford substantial relief to every real grievance.

From the Globe.

THE PROCLAMATION AND OUR GOVERNMENT.

We have already shown in what sense the Constitution of the United States was formed by the people of the United States. We beg readers to go forward with us in an examination of facts, forgetting that they have entertained theories upon the subject, while we look into the character of the government which was established by the Constitution.

The States were already in existence, and had their separate governments. These governments had been created by the people of the States, who had limited them by written constitutions. In performing these acts the constituted authorities of the States, and the acts of these conventions were considered as the acts of the people.

The general convention, in the form of a Constitution prepared by them, proposed to the people of the States to limit their governments still further, by taking from them certain defined powers, and vesting them in another government. The people of the States again constituted conventions to determine whether they would still restrict their State governments, and vest the powers to be taken from them in the general government, or establish by the same authorities which State governments—this act, therefore, was of as high authority to the general State as that which created their State governments. In each State, the constitution of the State and the Constitution of the United States derived their binding force from precisely the same source. They were both adopted by the people of the States acting through their State Conventions. It is an error, therefore, to suppose that the Constitution of the United States are any more sacred than the constitutions of the people that he has assented to the one and has not assented to the other. He has ratified both alike, and in the same manner. We speak of the States in general.

The adoption of the Constitution of the United States was a virtual amendment of every State Constitution. It was an essential curtailment of the powers which the State governments previously possessed. We were all the powers taken from them in the general Government. They are forbidden to lay duties on exports, and so in the general Government. They are forbidden to pass any bill of attainder, or law impairing the obligation of contracts, or to grant any title of nobility; but no such power, as vested in the general Government. These powers exist in neither Government, but are reserved to the people.

From the facts it follows, that the Constitution of the United States derives its binding force, not precisely the same source as the Constitutions of the States. It is just as much the Constitution of the people of each State as these own State Constitutions. It is an amendment upon the State Constitutions, as a restriction upon the State governments, and its prohibitions are of imperative force upon those governments as if they had been incorporated into their respective State Constitutions. If the State governments were established by the people, so was the general Government. The people carried the latter out of the former, and by first act made both what they are. Thus it was, not the people of the United States, acting through Conventions in each State, who adopted the Constitution, and established the Government of the United States. The world now saw what it had never before seen, two separate Governments, perfect in all their machinery, over the same country and people. Both are limited, regarding delegated powers on one hand and reserved rights on the other, and in the strict observance of their limitations, consist their harmony and peace.

Can this Government be altered or abolished in part or in the whole, within the limits of a State, by the authority which gave it binding force? So far is the affirmative of this proposition from being true, that the very reverse is true. Neither a State nor the people of a State, can alter or abolish the Constitution; but it may be altered or abolished in part, by a State and the people of a State, may be bound, by alterations made without their consent and contrary to their will. The nature of the Government may be essentially changed, the powers of the States materially diminished, and yet a legitimate State be bound by it, however repugnant to its interests or its inclination. If any one doubts this, let him read the 5th Article of the Constitution, which declares that amendments proposed as therein pointed out, "shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof," with only the single exception now in force, "that no State, without its consent shall be deprived of its equal suffrage in the Senate."

There are now twenty four States. Eighteen of the twenty-four, in opposition to the other six, may change, by amendment, the whole character and substance of the Constitution, with a single exception, and those six would be bound by their act. The consent of every State was necessary to bring it under the authority of the Constitution, but the voice of three-fourths may amend it. When a new Constitution may, by the terms of the compact, be imposed upon a State and its people, without their consent, is it not absurd to say, that it may, at pleasure, throw off the authority of the Constitution to which they have assented? How sagacious is this provision about amendment, and how absurd withal, if a single State, by virtue of its sovereignty, may throw off amendments and all, when ever it takes offence at its sisters!

There are other views of this subject equally conclusive, which we may hereafter present.

From the Boston Evening Post.

We have ascertained the following facts relative to the murder of Sarah M. Cornell, at Tiverton, N. J. from a clergyman, who was present at the second inquest. During the evening, when the corpse was first found on the bank, some one inclined to suppose she had committed suicide; but in consequence of some rumors that Avery had seduced her, and was thereby the cause of the fatal deed, some of his friends took active measures to ascertain their truth. The small cord by which she was suspended, was found upon examination to have cut in entirely round the throat and neck, which from the form of the knot, could not have happened, if it had been hung by a single strand, as is the case with the ordinary noose. The murderer placed his foot or knee upon it, as he tightened the cord round her neck. Portions of the same were stripped from the leg by dragging the body from the spot where she was strangled, to where it was found partly suspended of the neck of Capt. Durfee, in Tiverton, a little south of Fair Haven, during the evening. When the corpse was first found, a young man, supposed to be the murderer, was seen to be present, but he refused to give any account of the matter, and he was afterwards seen to be present at the inquest, but he refused to give any account of the matter.

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that she went in company with another individual. It has also been proved that at the funeral when the engineer stated that he took the letters from him, he was in a Methodist meeting house; also that he had made an appointment with a man to visit the coal mines across the ferry, he being disappointed in his company, he went alone, and further, that late in the same afternoon, he was at the house of a Mr. Pierce, nine miles from the spot where the supposed murder happened.

On the other hand, he must have passed a fortnight in going to, and returning from Fall River, but neither the toll-keeper nor any of his family observed him to pass; and the farmer keeper in Fall River, who supposed that he saw him, entirely failed to identify him. The engineer's testimony is to his identity, was also very vague and contradictory.

With respect to the letters which have been published, it is sufficient to state that they have no signature and are not in his handwriting, and are not in his handwriting.

Accittal of E. K. Avery.—After more than half our papers were printed, the Rev. A. D. Merritt arrived from Bristol, and informed us that the examination of Mr. Avery, has resulted in his acquittal from the charges against him. The Justices so invited their opinions to writing unknown to each other, and were agreed in the result.

TWENTY-SECOND CONGRESS, SECOND SESSION.

IN SENATE, Thursday Jan. 10, 1833.
Documents in the State Department.

The following resolution offered yesterday, by Mr. Forsyth, was taken up:
Resolved, That the Committee on Finance be instructed to provide, by appropriation, for the employment of temporary clerks in the Department of State, to furnish during the continuance of the commission under the treaty of indemnity with France, authenticated copies of such of the documents and vouchers deposited in that Department, according to the stipulations of the treaty of 1819, with Spain, as may be required by individuals, or by the commission for the elucidation of claims under the said treaty with France.

Mr. Forsyth briefly explained that this subject had been sent to the Committee on Foreign Relations by a resolution which was offered by the Senator from Maine (Mr. Holmes). The committee had considered the subject, and in a conversation with the head of the State Department, he had received the assurance from the Secretary, that the Department was every disposition to render such facilities to the individuals interested, as would be within its sphere of duty and its means, but that it had not the power to permit the original documents to be taken from the department, or the dispensible labor which would be necessary to make the requisite copies.

The resolution agreed was to:
The unfavorable report of the Committee on Naval Affairs on the petition of Jonathan D. Corwin was then taken up and agreed to.
A resolution offered some days since by Mr. Holmes, relative to the furnishing of the Committee Rooms with copies of the Laws of the United States, was read a second time, considered in Committee of the Whole, and ordered to be engrossed for a third reading.

PUBLIC LANDS.

The Senate then proceeded to the special order of the day, being the bill to appropriate for a limited time the proceeds of the public lands.
The question being on the amendment reported by the Committee on the Public Lands, Mr. Bibb resumed the remarks which he commenced yesterday, and concluded them.
The question was then about to be taken, when

Mr. Kane suggested that a gentleman who wished to address the Senate was now absent, and he would, to give an opportunity to be present, move to lay the bill on the table for the present.

The motion was subsequently withdrawn, and after some conversation, a motion, submitted by Mr. Bibb, to postpone the further consideration of the bill and amendment, and to make it the special order for to-morrow was agreed to.

FRENCH SPOLIATIONS.

Mr. Webster gave notice that he should ask the Senate to resolve to go into the consideration of the French Spoliation Bill.

On motion of Mr. Kane, the Senate then proceeded to the consideration of Executive Business.

HOUSE OF REPRESENTATIVES.

The resolution moved by Mr. Stewart yesterday, calling on the Secretary of War for certain information in relation to the construction of the States of South Carolina, in behalf of revolutionary officers and soldiers, was agreed to.

The following Message was received from the President of the United States:
Washington, Jan. 10, 1833.

To the Speaker of the House of Representatives:
In compliance with the Resolution of the 4th instant, requesting to be furnished with such information as the President may possess, in relation to the survey of the Northern boundary of the State of Ohio, under the provisions of an act of Congress passed on that purpose on the 14th July, 1821, I transmit herewith a report from the Secretary of War containing it.

ANDREW JACKSON.

The Message was referred to the Committee of Ways and Means.

Mr. Bell moved the following resolution, which was read and laid on the table, viz:
Resolved, That the Secretary of War be required to furnish to this House a statement showing the number of applicants for pensions under the act of last session of Congress, allowing pensions to the officers and soldiers of the revolution; showing the number from each State, and the probable amount required to pay the pensioners.

the Whole, on the slate of the Union, Mr. Wagoner in the Chair, and resumed the consideration of

THE TARIFF BILL.

Mr. Ingersoll resumed the course of his remarks which had been suspended by the rising of the Committee yesterday, and continued to address the committee with great animation in opposition to the bill for more than two hours.

He was followed by Mr. Crawford, of Pennsylvania, who took the same side of the question, and occupied the floor till past three o'clock, when on motion of Mr. Ellsworth, the Committee rose, and the House adjourned.

Mr. Ellsworth has the floor for to-morrow.

IN SENATE, Friday, January 11, 1833.

Mr. Hendricks, from the Committee on Roads and Canals, reported a bill authorizing the Secretary of the Treasury to purchase the stock of the Louisville and Portland Canal, which was read and ordered to a second reading.

Mr. Robinson presented a memorial of the Legislature of Illinois, concerning the improvement of the Illinois river, which was referred to the Committee on Commerce.

Mr. Robinson presented two joint resolutions of the same Legislature, requesting a change in the militia system, which were referred to the Committee on the Militia.

Mr. Robinson presented a memorial from the same Legislature, praying for an extension of pre-emption rights to actual settlers, which was referred to the Committee on the Public Lands.

SOUTH CAROLINA RESOLUTIONS.
Mr. Miller presented certain resolutions of the Legislature of South Carolina, in reply to the proclamation of the President, viz:
Resolved, That the power vested by the Constitution and laws in the President of the United States to issue his proclamation does not authorize him to interfere with the rights of the States, or that he should use it as a means of promulgating Executive expositions of the Constitution with the sanction of force, thus superseding the action of the other departments of the General Government.

Resolved, That it is not competent to the President of the United States to order by proclamation the constituted authorities of a State to repeal their legislation, and that the attempt of the President to do so is unconstitutional, and manifests a disposition to arrogate and exercise a power utterly destructive of liberty.

Resolved, That the opinions of the President in regard to the rights of the States are erroneous and dangerous, leading not only to the establishment of a consolidated government in the stead of our free Confederacy, but the concentration of all power in the Chief Executive.

Resolved, That each State of this Union has the right, whenever it may deem such course necessary for the preservation of its liberty, or vital interests, to sever its political connection from the Union. And that there is no constitutional power in the General Government, much less in the Executive Department of that Government, to retain by force such State in the Union.

Resolved, That the primary and paramount allegiance of the citizens of this State, native or of foreign birth, is to the State of South Carolina. And that there is no constitutional power in the Executive Department of that Government, to retain by force such State in the Union.

Resolved, That the denunciation of the President of the United States in his said Proclamation of his personal feelings and retaliation toward the State of South Carolina, is rather an appeal to the loyalty of subjects than the patriotism of citizens; and is a blending of official and individual character heretofore unknown in our State papers, and revolting to our conceptions of political propriety.

Resolved, That the undisguised indulgence of personal hostility in the said Proclamation would be unworthy the animating spirit of our Legislature, but for the solemn and official form of the instrument which it made its vehicle.

Resolved, That the principal doctrines and purposes contained in the said Proclamation are inconsistent with any just idea of a limited government, and subversive of the rights of the States and liberties of the People; and if submitted to in silence, would lay a broad foundation for the establishment of monarchy.

Resolved, That while this Legislature has witnessed with sorrow such a violation of the spirit of our institutions, that the President of the United States dare venture upon this big-handed measure, it regards with indignation the menaces which are directed against it, and the concentration of a standing army on our borders; that the State will resist force by force, and relying on the blessing of God, will maintain its liberty at all hazards.

Resolved, That copies of these resolutions be sent to our Members of Congress, to be laid before that body.

The resolutions were read and laid on the table, and ordered to be printed.

PUBLIC LANDS.

The Senate then proceeded to the consideration of the bill to appropriate, for a limited time, the proceeds of the Public Lands, Mr. Buckner, who was entitled to the floor, assigned indisposition as a reason for asking further indulgence, and moved to postpone the bill and amendment, and make it the special order for to-morrow.

Mr. Clay objected to the postponement, as there would be other opportunities for the gentleman from Missouri to be heard, before the final disposition of the bill. If the gentleman would permit it to be engrossed, he would himself consent to put off the question on its passage, until the gentleman should have had an opportunity to make his observations.

After a few remarks from Mr. Poindexter and Mr. Forsyth, the question was put on the motion to postpone, and decided as follows: Yeas 21, Nays 21. So the motion to postpone was agreed to.

Mr. Mangum moved that when the Senate adjourns, it adjourn to meet on Monday. The motion being opposed, and the yeas and nays ordered, the motion was decided in the negative—Yeas 17, Nays 26.

Mr. Clay presented the memorial of the legal representatives of Joshua Barney, which was ordered to be laid on the table.

berland road East of Wheeling, in relation to the contemplated change in the location of a part of the said road.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting a list of the names of the persons employed as Clerks in the several offices of the Treasury Department, in the year 1832, with the salary of each, which letter was read and laid on the table.

The joint resolution in relation to the execution of the act supplementary to the act for the relief of certain surviving officers, and soldiers of the revolution, was read the second time, and the further consideration thereof was postponed until to-morrow.

Mr. E. V. of Vermont, submitted the following resolution:
Resolved, That the Committee on Manufactures be requested to report to this House whether the order of this House, passed on the 23rd May last, directing the return of the agents employed to collect information in relation to the Manufactures of the United States, has been executed, and if not, the reasons why it has not been executed.

Mr. Adams, Chairman of the Committee of Manufactures, explained the reasons why the documents referred to in the resolution had not been furnished. The returns had not been exceedingly voluminous, so that the whole time of the Committee would have been consumed by an attempt to condense them into abstracts for the use of the House. They had, therefore, submitted the returns in extenso to the Public Printer, and he was going on with the printing as fast as the means of his establishment would enable him. Part had been printed—enough to form one large volume. The returns, though embodying a mass of highly valuable information, were necessarily very imperfect.

Mr. Everett expressed his regret at the delay, but upon the explanation given, expressing his willingness to withdraw the resolution.

Mr. Wickliffe preferred that the resolution should pass, and let the printing proceed as rapidly as possible.

After some further explanations, the resolution was adopted.

The bill for the relief of Gen. Macomb came up for consideration—
Mr. Wickliffe moved to recommit the bill to the Committee on Military Affairs.

Mr. Williams moved to substitute the Committee on Claims, and supported his motion by a