THE NEW YORK HERALD.

WHOLE NO. 7012 — MORNING EDITION----WEDNESDAY, JANUARY 7, 1852. — PRICE TWO CENTS.

INTERESTING FROM ALBANY.

ASSEMBLING OF THE LEGISLATURE.

THE ELECTION OF OFFICERS.

Excitement in the Senate Relative to the Casting Vote of the Lieutenant Governor.

THE GOVERNOR'S ANNUAL MESSAGE.

Financial, Commercial, and Social Condition of the State,

&c. &c. &c.

Our Special Telegraphic Correspondence.

ALBANY, January 6, 1852.

The Senate met at 12 o'clock, and the members were sworn into office by the Lieutenant Governor. Every Senator was present.

Mr. McMurray offered a resolution appointing Ira P. Barnes clerk. The vote stood 16 to 16, and the motion was adopted by the casting vote.

Another resolution, declaring Arthur N. Beardsley sergeant-at-arms, was offered, and also declared carried by the same vote.

Mr. Babcock (whig) appealed from the decision of the Chair.

Upon this motion a long discussion ensued.

On the part of the whigs, it was contended that the presiding officer had no right to vote, not being, as they alleged, a member of the Senate.

The democrats maintained the ground that the Lieutenant Governor possessed the right to vote upon all questions where the Senate was a tie.

The vote was then taken upon the appeal, and the decision of the chair was sustained by the casting vote.

Mr. Babcock then moved for a reconsideration, when a debate sprung up, which occupied the Senate until half past three o'clock.

Among the speakers on the whig side were Messrs. Babcock, Tabor and Van Schoonhoven, who charged the President with usurping power never before exercised, in voting to sustain his own decision.

The speakers on the democratic side were Messrs. Conger, Pierce and Bristol, who sustained the President in the course he had taken.

Lieutenant Governor Church defended his position in a lucid speech of fifteen minutes, giving his reasons for voting upon a tie, and declared it as his constitutional duty, which he should exercise whenever he thought proper so to do. His remarks were applauded by a crowded Senate chamber.

Mr. Babcock finally withdrew his motion to reconsider when the subject was dropped.

The door keepers, as agreed upon in democratic caucus last night, were then appointed.

Among the debaters, several of the new Senators, belonging to both parties, exhibited considerable talent and eloquence.

At half-past three o'clock, the Senate became organized. The Governor's message was then received and read, and the Senate adjourned.

The House met at twelve o'clock, when all the whig officers agreed upon in caucus, last night, were confirmed. The Speaker, Mr. Heartt, received 63 votes against 59 given for Mr. Hatch, the democratic candidate.

Mr. Walsh presented a petition of Mr. Smith, (dem.) of New York, contesting the seat taken by Mr. Snow (whig), in the House.

A few ordinary resolutions were adopted, when the Governor's message was received and read, and the House then adjourned till to-morrow morning.

All the members of the Court of Appeals were present this morning, at the commencement of the January term. This court now consists of Charles H. Ruggles, Chief Justice; Addison Gardizer, Freeborn G. Jewett, Alex. S. Johnson, John W. Edmonds, Malbone Watson, Philo Gridley, and Henry Wells, Judges. W.

NEW YORK LEGISLATURE.

Senate.

ALBANY, Jan. 6, 1852.

THE ELECTION OF OFFICERS.

Ira P. Barnes, (dem.) was elected Clerk, after a long debate, by a majority of one. The vote stood 16 to 15, Senator Wright, (whig,) of Washington county, not voting.

Charles Lee, (dem.) of Yates, was elected Sergeant-at-Arms, by 16 to 15.

A. W. Beardsley was elected Doorkeeper, and George Reed, Assistant.

The Senate being declared organized for business, the Clerk shortly after proceeded to read the

GOVERNOR'S MESSAGE.

FELLOW CITIZENS OF THE SENATE AND OF THE ASSEMBLY:—

The opening of the seventy-fifth annual session of the Legislature of New York, since the establishment of our republican constitution, is an event peculiarly suggestive of grateful memories and patriotic hopes. Three-quarters of a century have passed away since our ancestors, uniting with the sister colonies in renouncing dependence on a distant monarchy, and appealing to Heaven for the justice of their cause, proclaimed the sacred right of self-government, and assumed the attitude of a free and sovereign State. It is profitable to recur to the spirit of wisdom and patriotism which guided our legislative councils at that trying period. Compelled to deliberate amid the strife of opposing armies, and surrounded by difficulties which called for the highest exercise of capacity and energy, your early predecessors gained a double title to the public gratitude. While their prudent but vigorous measures sustained our arms and carried the country in triumph through its long struggle for independence, they accomplished the more difficult work of framing a system of representative government based upon principles of justice, equality, and social order, combining popular freedom with those salutary restraints which history had shown to be necessary for the protection of the citizen in the peaceful enjoyment of his rights.

Experience has vindicated the wisdom of the political theory adopted by the statesmen of the revolutionary era. Within a period comparatively brief in the history of governments, the American Union has attained a prominent rank among the nations of the earth; and New York, the feeble and bleeding colony of 1776, has become a great and powerful commonwealth, holding a high place among the States of the confederacy. Under the beneficent operation of free principles, our progress has been rapid beyond example. The blessings of liberty and security have stimulated the best energies of our people and developed their capability for moral, intellectual and physical improvement.

A system of education by which knowledge is placed within the reach of all, and our youth are taught to comprehend the rights and duties of citizenship; the supremacy of law and order; a rapid proficiency in the arts which multiply the enjoyments and elevate the character of society; artificial communications connecting the ocean with the lakes beyond our borders, and dispensing to every section of the State the benefits of easy intercourse; the consequent advancement of every agricultural, mechanical and commercial interest, are results which serve to demonstrate the advantages of free institutions, and the capacity of our people to preserve them in their original vigor and integrity.

When we contemplate a scene so gratifying, and reflect upon the progress that has been made by the inhabitants of this continent in the short space of two centuries, in advancing the welfare of mankind, the mind is filled with gratitude towards the Supreme Ruler of the world, whose moral government guides the destiny of nations.

In the discharge of my obligation to communicate to the Legislature information respecting the condition of the State, I would first invite your attention to the situation of the finances.

The amount of the State debt at the close of the last fiscal year, (September 30, 1851,) was as follows:—

Canal debt	$15,301,109 16
General Fund debt	6,389,693 32
	$21,690,802 43

—showing a reduction of principal in the past year of $840,000. It is believed that the amount of the debt, as now reported by the financial departments, cannot be materially varied by the unliquidated claims existing anterior to the creation of the sinking funds by the constitution of 1846.

At that time large sums were due to citizens on canal contracts partly executed, and for private property taken for canal purposes. These claims constituted, in fact, a part of the public debt then subsisting, and the Legislature afterwards made them expressly chargeable upon the Canal Sinking Fund. But as the amount due on them was uncertain, and could not be ascertained until a final adjudication by the Canal Appraisers or the Canal Board, this portion of the liability was not included in the original or subsequent exhibits of the funded debt. Hence the payments made from the Sinking Fund on that class of obligations, though reducing the debt in reality, did not diminish the apparent amount as shown in the annual report of outstanding stocks. The most of the unliquidated claims have now been extinguished, and the future reduction, by the operation of the Sinking Fund, will be regular and rapid, and more effective than heretofore upon the funded debt. It is safe to assume that the entire debt existing at the adoption of the present constitution, will be discharged by the annual contributions from the canal revenue to the Sinking Funds, within seventeen years.

The amount of money in the Treasury, on the 30th of September, belonging to all the funds, was $1,897,048 25. The balance in favor of the General Fund, on that day, was $15,753 87. It is estimated that the current revenues of the General Fund, during the present fiscal year, will be sufficient for all the ordinary expenses of government, including the special appropriations made by the last Legislature. This estimate does not include the moneys to be derived from the next tax sale, which is to be held before the close of 1852, and which will yield about $175,000; nor the further amount due the treasury for arrears of taxes assessed on mutual insurance companies and certain Indian reservations, from which about $150,000 ought to be realized in the course of the coming year. Proceedings in relation to some of these taxes have been long pending in the courts, and it is hoped they will soon be brought to a final decision. In considering the various applications that will come before you for grants of money in aid of public enterprises, it is important to keep in view the actual condition of the Treasury, and to limit the appropriations within the reliable revenues of the General Fund. This fund is fully sufficient for all ordinary purposes, so long as our legislation is governed by correct views of economy; and the additional resources above referred to will enable you to make some provision for new objects of public utility.

In selecting those objects, you will doubtless exercise a just discrimination, independent of all extraneous influences; and in the ordinary appropriations it is believed that some reductions may be made without injury to the public service.

The act passed by the last Legislature, intended to compel the assessors to estimate taxable property at its full value, has resulted in a large increase of the valuation. In 1850, the entire real and personal estate was assessed at $727,494,583; in 1851, the total assessment was about $1,100,000,000, being an increase of nearly $400,000,000. This produces a corresponding increase in the proceeds of the half mill tax, which is predicated on the entire valuation. The State tax ought not, under any circumstances, to be larger than is necessary for the support of a wise and economical administration. I would recommend a careful examination of the subject, with a view to determine whether the half mill tax may not safely be reduced to a smaller ratio. Notwithstanding the important amendments adopted by the last Legislature, it is believed that the assessment laws require some further modifications for the purpose of securing a more equitable distribution of the public burthens.

While real estate of every description is assessed at its full value, considerable masses of capital, in other forms, continue to escape taxation. This inequality should be removed. Justice and good policy require that all property having the protection of our laws should be reached by assessment, and made to sustain the public authorities, upon principles of uniformity, except in special cases, where it may be deemed beneficial to the State to grant an exemption from taxation by express legislation.

The amount derived from the canal revenues, during the last fiscal year, was $3,722,163 11; being an increase of $235,960 81 over the receipts of the previous year. After deducting the expenses of superintendence and repairs, and contributing $200,000 for the support of government, and $1,650,000 for payment of interest and reduction of principal of the State debt, there remained a surplus of $664,432 91 applicable to the completion of the Erie Canal enlargement, and the Genesee Valley and Black River Canals.

It should be remembered, in this connection, that the increase of tonnage was in a larger proportion than the increase of revenue, the rates of toll on flour and wheat having been reduced 25 per cent at the commencement of the last season of navigation.

Some progress has been made in the execution of the act passed July 10, 1851, "for the completion of the Erie Canal Enlargement and the Genesee Valley and Black River Canals." In pursuance of its provisions, the Comptroller has issued six per cent revenue certificates to the amount of $1,600,000, for which a small premium was realized. A portion of the proceeds has been expended in forwarding that part of the work which had previously been put under contract, as exhibited in the last annual report of the State Engineer and Surveyor. The Canal Board having first given the public notice required by law, have received proposals and awarded contracts for executing the remainder of the work at prices considerably below the Engineer's estimates, upon which the recent law was predicated; and the early completion of the three canals provided for by the constitution, may now be regarded as a point definitely settled.

It is a subject of sincere congratulation that the measure adopted at the last session, to expedite the prosecution of the unfinished works, has received the sanction of public opinion, expressed in the choice of official agents whose views in favor of the policy, and whose determination to co-operate in the vigorous execution of the law, were openly declared. While enlightened men of all parties have long seen and felt the importance of speedily perfecting our internal communications, on which so many millions have been expended, it cannot be deemed surprising that honest differences of opinion should have existed as to the precise mode and manner of attaining the object. The spirited discussions of the last year appear to have produced a settled conviction in the public mind that the plan adopted is the most feasible and judicious that could be devised, within the limitations established by the financial provisions of the constitution. Happily for the public welfare, our internal improvements have been rescued from the strife of parties, and must now cease to be a subject of political controversy. I consider it a proud day for the commonwealth when its leading statesmen of both political parties, emerging from unfavorable antecedents, are found concurring in support of a wise and liberal policy, and vieing with each other in a spirit of generous emulation and patriotic zeal for the advancement of a work which had become so essential to the public prosperity.

Nothing remains but to proceed with united councils in carrying out the system which is now regarded on all hands as fixed and established. In our future deliberations on the subject, former prejudices are to be discarded and past divisions forgotten. Let us come together in a spirit of mutual confidence, and unite our efforts to guard and protect the public interests, in disposing of the various questions that must arise from time to time in the progress of this great undertaking. In this, as in the management of all our public concerns, especially those of a practical business character, party spirit should be banished utterly, as the worst enemy of the people.

The completion of the canals is predicated upon the surplus tolls set apart for that purpose by the constitution. The revenue certificates authorized by the existing law operate, in effect, as a transfer of these surplus tolls, in anticipation of their receipt, without any obligation or guarantee on the part of the State for the redemption of the certificates from any other fund. It was evident from the first, that the success of the plan must depend upon the degree of confidence entertained by the public in the future sufficiency of the Canal revenues.

The steady increase of the western trade, as exhibited by the returns from year to year, ought to dissipate all apprehensions concerning the future productiveness of the source from which the certificates are to be redeemed. It has been shown that the annual contributions to the Sinking Fund (being $1,050,000 until 1855 and afterwards $2,050,000 per annum) will discharge the entire State debt in about seventeen years. When that result shall have been reached, inasmuch as no new debt can be charged upon the surplus canal revenues, they will be released and become exclusively applicable, by express constitutional requirement, to pay the certificates issued for completing the canals, unless the surplus shall have proved sufficient to extinguish them at an earlier day. If past results furnish a safe indication of the future business of the canal, it can hardly be doubted that the annual surplus will discharge the certificates in a shorter period than is required for the payment of the present debt; but if this anticipation should be disappointed, they will be rapidly extinguished after the existing stock shall have been paid.

The extent of the annual surplus must depend upon the prudent regulation of the canal tolls. That important responsibility has been devolved upon the Canal Board, subject to the control of the Legislature. It is made their duty by the 11th section of the act of the last session, to adjust the rates "in such manner as in their judgment will produce the greatest amount of trade and revenue." The whole community are concerned in the wise and faithful performance of this obligation. It is of vital importance to the rights of public creditors and the soundness of a large portion of our currency. While good faith and so many pervading interests concur in demanding stability, there can be no good cause for apprehending that the representatives of the people will venture upon rash or doubtful experiments. Reductions of toll on certain articles have resulted in an increase of trade and revenue; and the same policy may doubtless be extended with advantage to some additional branches of tonnage, such as cotton, tobacco, &c., from the States in the Southwest. But constant care and an enlightened discrimination will be required to avoid all reductions which are calculated to affect the revenue unfavorably, until the obligations resting upon the canal incomes shall shall have been satisfied. It should be constantly borne in mind that, inasmuch as the revenues have been pledged for the specific payment of the debt and the redemption of the certificates, we no longer possess the moral or constitutional right to make changes which shall impair their sufficiency for these purposes.

The funds devoted to school purposes are believed to be in a safe and healthy condition. On the 30th of September, the capital of these several funds was as follows:—

Common School Fund	$2,325,449 72
United States Deposit Fund	4,014,520 71
Literature Fund	272,880 12

—making an aggregate of $6,612,850 55 invested in productive securities for the advancement of education.

The annual report of the Superintendent will present a complete view of the operations of our common school system.

The number of children taught during the year was 720,361; the whole amount expended for teachers' wages, including books for school libraries, was $1,492,036. Under the present law, the State furnishes $1,100,000 of the amount required annually for the support of the district schools, viz: $300,000 from the income of the School fund, and $800,000 required to be raised yearly by State tax. It is estimated that the sum thus furnished from the treasury will be sufficient in most cases, to make the schools free for six months in each year; leaving it for each district to provide means by rate bills for such additional period as the school may be taught.

The act passed by the last Legislature was adopted as a compromise of conflicting opinions, and appears to have been received with general favor by the community. It has put an end to the controversies produced by the unequal operation of the law of 1849, which had for some time agitated the public mind and kept the districts in a state of fermentation. It is gratifying to observe the return of that harmony which is essential to the successful working of a system of popular education. In considering any further changes that may be proposed, we should endeavor to avoid any experiment calculated to reproduce the divisions that have been so happily, but with so much difficulty, healed.

In pursuance of a resolution of the last Assembly, I appointed Samuel S. Randall a Commissioner to embody in a single act a common school code for the State. His report will be placed before you at an early day, and will doubtless receive the respectful consideration due to recommendations coming from one whose long experience and enlightened zeal in the cause of education are widely and justly appreciated.

The ordinary appropriations in support of colleges were omitted by the two last Legislatures. The present condition of the United States Deposit Fund is such as to justify a moderate grant in aid of the higher institutions of learning, and I would renew the recommendations in their favor, contained in my last annual message. Several new institutions, including the Genesee College and the Rochester University, which have not yet enjoyed the public bounty, present strong claims to encouragement, and it would seem but just and reasonable that they should be admitted to an equal participation in the patronage of the State. The University of Albany has been organized under favorable auspices, and if the design of its patrons and professors shall be realized, it will ultimately be made equal to the best universities of Europe.

Much interest has been manifested for some years past in favor of creating an institution for the advancement of agricultural science, and of knowledge in the machanic arts. The views in favor of this measure expressed in my last annual communication, remain unchanged. My impressions are still favorable to the plan of combining in one college two distinct departments for instruction in agricultural and mechanical science; but many, whose opinions are entitled to weight, contend that a separate establishment for each branch would be most advantageous to both. Before adopting any final action on the subject, the merits of the several systems of organization that have been proposed, should be maturely considered. I would respectfully recommend that a sufficient portion of the proceeds of the next sale of lands for taxes be appropriated to the erection of an institution which shall stand as a lasting memorial of our munificence, and contribute to the diffusion of the useful sciences and the elevation of the producing classes, during all future time.

Our charitable institutions continue to fulfil the beneficent purposes for which they were designed. The particular condition of these establishments will be presented in the annual reports of their officers. We may contemplate with intense satisfaction the blessings that have been conferred upon the children of adversity by the humane spirit of our past legislation. The State has given its powerful aid to every plan of practical philanthropy calculated to ameliorate the condition of the unfortunate. So far as human skill can supply the faculties of which they have been deprived by their Creator, the blind have been made to see, the deaf to hear, and the dumb to speak. Liberal provision has been made for the infirm and destitute; the paternal guardianship of the Legislature has been extended to the fatherless, the insane, and even to the idiotic. I cannot too strongly commend the agencies by which these generous aims are accomplished, to your fostering care and attention.

It appears from the official report that the number of inmates in the State Lunatic Asylum at Utica, on the 30th November last, was 435; the number in the lunatic asylum on Blackwell's Island, on the 20th of December, was 523.

The total number of insane persons in this State in 1850, as shown by the census of that year, was 2,566, of whom 1,166 were in asylums, leaving 1,400 to be supported in private families or poor houses. It is evident, therefore, that some further provision ought to be made for the relief of this unhappy class of our fellow beings. The number of pupils in the Institution for the Deaf and Dumb, at the close of the year, was 244, of whom the State supports 160.

The New York Institution for the Blind contained 139 inmates, of whom 86 are State beneficiaries. In pursuance of the act passed by the last Legislature, the trustees appointed for the purpose have established an asylum for idiots. They have fortunately secured the services of Dr. H. B. Wilber, as Superintendent, whose efforts for the improvement of imbeciles have been attended with great success. A suitable building was procured in the vicinity of this city, and the school has been opened under encouraging circumstances. The report of the trustees will present their proceedings more fully, and impart some valuable information in regard to the merits and prospects of this noble undertaking.

The House of Refuge for the reformation of juvenile delinquents have been administered with a degree of fidelity and success which reflects high credit upon the managers of those institutions. At the date of the last return the number of inmates was as follows:—

New York House of Refuge	393
Western do. do.	128

Some further legislation is recommended in regard to youthful convicts between the ages of sixteen and twenty. As the power of the courts to send delinquents to the Houses of Refuge is confined to persons under the age of sixteen, many young offenders who have passed that age are sentenced to hard labor in the State prison for a term of years. Some of them are the victims of early abandonment, ignorance, and vicious associations; and if placed in a proper school for reformation, might be restored to virtue and prepared for a life of honest industry. It is worthy of consideration whether a separate department for this class of offenders should not be added to our present houses of refuge, or erected as a distinct establishment.

The important institutions in the city of New York, under the supervision of the Governors of the Alms House, are in excellent order and condition. The expenses have been largely reduced, the discipline improved, and every branch of their management gives evidence of skill, efficiency, and fidelity.

After the adjournment of the last Legislature, regarding it as a duty to obtain the best information on subjects pertaining to my official action, I visited each of the State Prisons, and made a personal examination of their condition. The result was, in most respects, highly satisfactory. Great improvements have been made in the system of prison management and discipline. Experience has shown that a humane administration is more favorable to subordination than stern, despotic severity. Every practicable arrangement seems to have been made for the health, comfort, and moral improvement of the convicts. Much praise is due to the officers, chaplains and physicians for their efforts to amend the condition and reform the minds of the wretched beings who have been banished from society to expiate their offences against its laws. Many have been redeemed from the deepest degradation by the influence of kindly teaching and example. The endeavors of the inspectors to improve the financial management of the prisons have been attended with considerable success. No branch of the public service requires more constant vigilance to ensure integrity and economy in the expenditures. A striking improvement is perceptible in the affairs of the Sing Sing prison. For the first time in many years, its officers deem it unnecessary to call on the Legislature for pecuniary aid.

The finances of the Auburn prison are in a less prosperous condition, and a considerable appropriation will be required for its support. This necessity has been produced partly by a large expenditure in erecting new buildings, which had become indispensable.

From a careful examination of the subject, I am convinced that the unfavorable results at the Clinton prison may be attributed in part to the incomplete execution of the original plan, which included the necessary works for making iron and manufacturing it in some of its ruder forms. That part of the design has been neglected. No forges or furnaces have been erected, and the employment of prisoners has consisted in excavating and separating the ore—an operation which affords but little profit in the present condition of the iron market. The difficulty has been increased by the failure of ore on the land held by the State, making it necessary to pay a heavy rent for the privilege of working on an adjacent tract. A result much more favorable may be produced by erecting furnaces for smelting and manufacturing the ore on a scale sufficient for the employment of two or three times the present number of convicts. The additional expense of maintaining a larger number would be comparatively small. The labor of the convicts would be much more remunerative in the manufacture than the excavation of the ore. Other than financial considerations may be urged in favor of this policy.

Complaints continue to be made of the employment of too large a share of the convict labor in mechanical occupations, which conflict with the interests of honest citizens engaged in similar pursuits.

This evil, unavoidable to a certain extent, should be diminished as far as practicable. A leading motive in the establishment of the Clinton prison was to withdraw a large class of prisoners from mechanical employments. But that purpose has been only partially fulfilled. Aside from other inducements, I am of opinion that the management of all the prisons would be improved by transferring some of the convicts from Auburn and Sing Sing to Clinton. At Auburn the number of prisoners sometimes exceeds the number of cells. The increase of criminals consequent upon the growth of population and other causes, will soon produce the same result at Sing Sing. The evils produced by overcrowding the prisons beyond their regular capacity, are too serious to be tolerated. It cannot be doubted that the future necessities of the State will require a third prison. After making so large an expenditure upon the establishment at Clinton, its abandonment cannot be seriously entertained, and I would recommend that proper measures be taken for erecting such works as are necessary to carry the original design into full effect.

The number of convicts in the several State prisons on the first of December last, was as follows:—

Sing Sing	830
Auburn	771
Clinton	113
Total	1,714

The number pardoned from these prisons during the last year, was 104. The annual list of reprieves, commutations and pardons, will be transmitted in a special communication. In the exercise of the pardoning power, one of the most embarrassing and delicate prerogatives that can be confided to human discretion, I have endeavored to act upon correct views of justice, humanity and public policy. Error in the conviction, undue severity of punishment, loss of health, produced or aggravated by long confinement, and service rendered to the State by the discovery of accomplices, have been regarded as the only legitimate grounds for the indulgence of clemency. In the discharge of this difficult duty, I have been impressed with the importance of a careful revision of our criminal laws for the purpose of making the punishment of certain crimes more proportionate to the grade of offence. Some of the provisions of our statutes are productive of inequalities which violate the sense of justice, and this evil is aggravated by a want of uniformity in the action of the local courts.

The amount fixed by the present law to distinguish grand from petit larceny, should be increased, and in certain cases the *minimum* term of imprisonment in the State prison, which is now established at two years, ought to be reduced to one year.

An extraordinary number of capital offences, and a considerable increase in other crimes, have made the last a memorable year in the judicial annals of the State. This melancholy fact must be attributed in a large degree to the prevalence of intemperance in our cities and larger towns—a growing evil which has become the most prolific source of wretchedness, pauperism and crime.

During the year, seventeen persons were found guilty of murder and three of arson in the first degree; and several more are in prison awaiting trial. Of the number thus convicted six have been executed; the sentences of five have been commuted to imprisonment for life, and nine await the time fixed or to be fixed for their execution. The duty of the Executive in relation to crimes punishable with death is highly responsible and painful. In most cases strong appeals are made by the friends and relatives of the convict for an exercise of the pardoning power; and if this effort proves unsuccessful, the courts are resorted to for relief, frequently upon points having little connection with the guilt or innocence of the accused, but involving merely some question of form or regularity in the proceedings. In prosecutions where human life is at stake, the greatest care should be observed to see not only that the conviction is intrinsically just, but in accordance with established principles of law.

My reflections upon the subject have produced a belief that the ends of justice would be promoted by submitting every capital conviction to a review by the Judges of the Supreme Court, before fixing a day for the execution of the sentence. It should be made the duty of the presiding Judge of the Oyer and Terminer, in which the trial is held, to report the evidence and all the proceedings to the Supreme Court of the district, and that tribunal should be required, at its next general term, to examine the case and decide upon the legality of the conviction. If they confirm the sentence, they should fix a day for its execution, and report their decision to the executive. Such a review as is now suggested, would secure to every convict, however friendless, the substantial benefits of an appeal, in which his rights would receive deliberate and impartial consideration; it would relieve the pardoning power from an oppressive portion of its responsibility; and I cannot doubt that in many cases which give rise to differences of opinion in the community, a judicial proceeding of the character proposed would strengthen public confidence in the justice of the sentence, and induce more general acquiescence in the propriety of its execution.

It affords me much satisfaction to refer to the good management and excellent condition of the Albany Penitentiary, in which the convicts for minor offences in this and several adjacent counties are imprisoned. A personal examination of the establishment enables me to speak of its administration, and especially of the improvement in discipline and economy, in terms of sincere approbation.

It appears from the information furnished by the Commissioners of Emigration, that nearly 300,000 emigrants were landed at the port of New York during the last year. The most gratifying success has attended the efforts of the Board to provide for the wants and better the condition of the destitute strangers who are coming amongst us in such extraordinary numbers. More than 20,000 of the sick and helpless were received during the year into the institutions under the charge of the Commissioners; employment for nearly an equal number was obtained through their friendly agency; many thousands were forwarded to the interior at the expense of the emigrant fund; and effectual measures were employed to protect the whole body of emigrants from those nefarious frauds which had been practised for years with comparative impunity. By the establishment of the present system, and its faithful administration, an important service has been rendered to the public interest and to the cause of humanity. The suggestions of the Commissioners in favor of some further legislation to promote the objects of their labors, are commended to your favorable attention.

For the present condition of our militia establishment I would refer you to the annual report of the Adjutant General, the Inspector General, and the Commissary General. Satisfactory progress has been made in carrying out the act of the last Legislature, and its provisions have proved highly beneficial. In pursuance of the new law, I appointed an Inspector General, whose active exertions have been of much utility in promoting an efficient organization and infusing a healthful military spirit. Many brigade and regimental districts, which had failed to comply with the law of 1847, have been successfully organized, and numerous volunteer companies have been formed, which promise to reflect credit upon the service. The importance of maintaining a well trained militia force ought not to be underestimated, and it is gratifying to perceive that a growing interest in the subject is manifested in all sections of the State.

The operations of the banks and the state of the currency will be fully exhibited in the annual report of the Superintendent of the Banking Department. The circulating medium of the State appears to be in a sound condition. Two recent failures of banks of circulation serve to demonstrate the advantages of the general banking law, instead of impairing our confidence in its safety. The securites deposited in the Bank Department, under the present restrictions, must constitute the best reliance for the protection of the bill holder. In all our legislation, the free banking system is to be regarded as permanently established. In the course of twelve years' experience, many improvements have been made in its practical operation, and some further modifications will undoubtedly be found conducive to the public security.

The frequent occurrence of railroad accidents renders it but too apparent that proper care for their prevention is not now exercised. A large proportion of these calamities might have been avoided, by due care in the construction, management, and service of the roads, and their moving equipment. The obligation of the State government to extend its protection to the lives of railroad passengers is imperative, and rests on high moral grounds. I would, therefore, invoke the Legislature to enact such laws as may, on mature consideration, seem most proper and efficient for preventing the recurrence of these lamentable disasters.

The Legislature, at its late session, provided by law for the erection of a building for the better preservation of the State library. That building is now under contract, and will be completed with all the dispatch which may be deemed consistent with the permanency and security of the edifice. Warned by the late destruction of the Congressional library, of the necessity of adopting every precaution against a similar calamity in our own case, I deem it proper to recommend to your special consideration the suggestions to be submitted in the report of the trustees, in relation to the internal arrangement of the building, with a view to the greater security of the valuable collection to be deposited in it.

The increase of corrupt practices in our elections has become a subject of general and just complaint. It is represented that in some localities, the suffrages of considerable numbers of voters have been openly purchased with money. We owe it to ourselves and to posterity, and to the free institutions which we have inherited, to crush this hateful evil in its infancy, before it attains sufficient growth to endanger our political system. The honest and independent exercise of the right of suffrage is a vital principle in the theory of representative government. It is the only enduring foundation for a republic. Not only should the law punish every violation of this principle as a crime against the integrity of the State, but any person concerned in giving or receiving any pecuniary consideration for a vote, should, upon challenge, be deprived of the privilege of voting. I submit the subject to your consideration, in the hope that additional remedies may be prescribed and enforced.

It is now several years since suits were commenced by the Attorney General, under the direction of the Legislature, to test the validity of the title to certain manorial lands occupied by tenants holding perpetual leases. It is of great importance that these suits should be brought to a final decision as early as practicable. It is due to the rights of both parties. While the question is suspended in the courts, both landlord and tenant are in a state of uncertainty, the improvement of the country is retarded, voluntary arrangements for a change of the tenure are arrested, and the public mind is kept in a state of agitation most unfavorable to the peace of society and the regular administration of justice. Measures should be adopted to compel an early and definitive adjudication in the court of last resort.

Complaints continue to be made of delays in the administration of justice in the city of New York. Some of the courts are overwhelmed with an accumulation of cases, notwithstanding the arduous and efficient efforts of the Judges. It is believed that an increase of business in the commercial emporium will ultimately require an additional number of justices. The pressure upon some of the courts may be attributed in part to the chancery duties imposed upon the common law tribunals. The law should be so amended as to relieve the judges from the labor of taking testimony in equity proceedings; and I would recommend that authority be given to the courts to refer such cases, whenever, in their discretion, they shall deem the examination of witnesses before a referee compatible with the rights of parties.

The statute in relation to the proof of wills and the administration of estates, needs such amendments as will expedite the discharge of debts against the estate of the deceased, in cases where the administration is suspended by a contest in respect to the probate of an alleged will; a litigation which often occupies many years before its final determination, and subjects creditors to serious embarrassment and injustice.

In my last annual communication, I deemed it my duty to recommend suitable legislation for encouraging the settlement of the unsold lands of the State; for a revision and condensation of our statutes; for defining the power of cities to contract debts; and for the punishment of embezzlement by public officers as a crime. Referring to the views then expressed, I would again invite your attention to these several topics.

Having now adverted to the more prominent questions of domestic policy which will engage your deliberations, it can hardly be deemed inappropriate briefly to consider the relations of the State to the Federal Union, in connexion with those subjects of national legislation which most intimately affect our prosperity. Although your legislative powers are limited to the internal concerns of the State, and its welfare depends peculiarly upon the wise exercise of those powers, we cannot forget that some of our most cherished interests are involved in the action of the general government. The exclusive authority to levy duties upon imports and to regulate commerce has been delegated to Congress. Unfortunately for the country, these important functions have not been exercised with that enlightened regard for the welfare of our citizens which they have a right to demand from a government deriving its existence and support from the people. The protection of our industry in those branches of production which are least able to withstand foreign competition, and the improvement of navigation on our lakes and rivers, both objects of the most vital importance to the public prosperity, have failed to receive the friendly attention of the federal government for some years past.

Under the ruinous operation of the revenue system of 1846, some of our most valuable manufacturing interests have been entirely prostrated, while the excessive importation of fabrics which we ought to produce at home, has created an enormous balance of trade against the country. The neglect of Congress to protect the commerce of our inland waters has caused a deplorable waste of life and property. The sentiments of this State ought to be distinctly announced on subjects of such paramount importance to its welfare; and the public opinion which undoubtedly exists in favor of a liberal national policy, should make itself felt and respected. After surrendering to the federal authority the whole revenue power of the country, we cannot calmly consent that it should longer remain hostile or indifferent to the attainment of objects which the national compact was intended to secure, and which are called for by the most urgent considerations of policy and patriotism. It is a source of sincere satisfaction that the executive branch of the government, actuated by statesmanlike views and a patriotic desire to promote the general prosperity, has recommended to Congress the adoption of proper measures to remedy the evils so seriously felt and justly complained of.

It cannot be disguised that the legislation of Congress on measures of practical importance has been seriously impeded by the sectional collisions which have too long disturbed the repose of the country. The controverted questions arising from our late territorial acquisitions, having been settled, we may reasonably hope that a recurrence of similar difficulties will be avoided by steady perseverance in a wise, moderate and conservative policy. Let us also indulge the hope that with the removal of its most prominent cause, the spirit of sectional contention so pernicious to the national prosperity and so repugnant to the purposes of the federal compact, may speedily disappear from the political horizon. It is time that angry strife and unworthy jealousies between the Northern and Southern portions of the United States should be banished forever, and that our public councils be inspired once more by the sentiments of mutual confidence and attachment which animated the whole people in the struggle for independence and the formation of the Union. In the free exercise of the inherent and vital right of opinion and discussion, zeal should be tempered by toleration and forbearance, and a just regard for the constitutional rights of all sections of the country.

When we recur to the original design and true theory of our federal system, every candid mind must acknowledge that there is no sufficient cause for keeping alive feelings of aversion and ill will between the members of a voluntary confederacy, whose firm and perpetual union forms the only sure foundation for the freedom and happiness of the American people, and for the hopes of liberty throughout the globe. On a calm survey of our political condition, we perceive that the federal authority was created for purposes of a general and national character; for the conservation of common rights and the protection of interests in which all the States, however diversified their internal condition, have a joint and equal concern. The Constitution having wisely left the States free to regulate their domestic affairs, the dissimilarity in their local institutions furnishes no just ground for mutual complaints and reproaches. These differences of social and municipal organization existed among the American colonies; they were produced by causes over which the founders of the constitution had no control, and for which we, their descendants, cannot be deemed responsible. They were not sufficient to prevent Washington and his compeers from blending diverse interests by mutual concessions, and rearing the noblest edifice of free government which the world has seen.

Why, then, should they be permitted to embitter our councils, and weaken the political ties which constitute us one people? In the conduct of our national concerns, why should the progress of the country be retarded and its best interests forgotten in vain disputes upon questions which each State must decide for itself and over which we have no rightful control?

In my reflections upon this subject, I have not permitted myself to doubt that the spirit of disunion which no concessions can appease, and the fanaticism which sees evil continually, and luxuriates in factious strife, will exhaust themselves in the madness of their manifestations, without seriously endangering the stability of our national institutions. I adhere to the conviction expressed in my last annual communication, that the great body of the people, as well in our own State as in every portion of our widely extended confederacy, continue to cherish an ardent attachment to the Union; that they desire to see the constitution administered in a spirit of moderation and equal justice towards the rights of all sections; and that they will "indignantly frown upon every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

The position and ultimate destiny of the African race on this continent is a subject eminently worthy to engage the attention of the humane and benevolent. The highest motives of patriotism and religion prompt us to co-operate in all rational measures intended to improve their unfortunate condition. But it is of the first importance, in considering a question of this magnitude, surrounded by so many embarrassments, that we should discard the passions and prejudices which are too ready to usurp the place of common sense; that the spirit of faction should yield to the higher sentiments of a pure and generous philanthropy, and that in this, as in the ordinary concerns of life, we seek for a plan having some practical connection with the object of our efforts. We are to inquire, not merely what may be desirable, but in view of the realities around us, how much is attainable and what course of action will produce the most beneficial results? The negro race was brought to this continent almost as early as the white, and continued to be imported for nearly two hundred years. It is one of the most revolting features in the world's history, that during this entire period the most of the civilized nations participated in the slave trade. All of the thirteen colonies tolerated slavery within their borders.

The people of this State have furnished conclusive proofs of their aversion to slavery, and of their abiding conviction that it is a moral and political evil, by abolishing it at home, and by their uniform opposition to its extension over free territory acquired by the arms and treasure of the nation.

In the Southern States of the Union, where the slaves form so large a part of the population, we cannot expect that the institution will disappear in a day or a generation. It has become too deeply rooted and too closely interwoven with social and pecuniary interests, to yield to sudden or violent measures of reform. The progress of amelioration must, in the nature of things, be gradual. It must be left to the voluntary action of the people more immediately concerned, experience having shown that we have more to hope from their own inherent sense of justice and policy than from any interference that may be proposed by misdirected philanthropy, operating at a great distance from its object. The anomalous position of the free colored population undoubtedly forms one of the most serious obstacles to the gradual liberation of the slaves. We cannot close our eyes to the fact, that although the free people of color enjoy a certain degree of liberty, they are commonly treated, both in the free and slave States, as an inferior race, and deprived of the social and political rights without which freedom is but an empty name. Even in our own State they are excluded from the most essential privileges of citizenship. Debarred from all participation in public employments, rejected from most of the institutions of learning and religion, governed by laws which they have no share in framing, having been denied the right of suffrage by a vast popular majority, shut out from social intercourse, and condemned to a life of servility and drudgery, their condition amongst us is deplorable in the extreme. Any great improvement of their condition under circumstances so calculated to crush the spirit of manhood, seems morally impossible.

The blighting effect of the inferiority to which they are subjected, is seen in the fact, that while every other class has rapidly increased, the colored population of this State has dwindled from 50,027 in 1840 to 47,937 in 1850. A result so remarkable na