To the independent Electors of the State of New-York.

Friends and Fellow Citizens,

The period will foon arrive when you will again be called to elect a governor and lieut. governor for the ftate. The candidates for governor are *George Clinton* and *Stephen Van Rensselaer.*

The right of election is at all times important to free-men ; but it is peculiarly fo at this period. Under this impreffion, it has been thought proper by the friends of the *republican cause,* to fubmit a few remarks to your ferious confideration—If they fhould appear to you unfounded, you will reject them, but if they are juft and reafonable, you will fuffer your conduct to be influenced by them.

In a reprefentative government, like ours, it appears to us, you ought to choofe for your firft magiftrate, the man who will adminifter the government beft, and who unites the faireft claims to your favor. To determine this, let us briefly confider the fituation of our ftate and country, and the public characters of the men propofed to you as candidates.

We live in an important era of the world: it is that which Providence has fixed on for the moft interefting conflict man has ever witneffed. It is not between tyrant and tyrant, about the fucceffion to a throne, or the limits of a province ; but it is a war of principles—a war between equal and unequal rights, between republicanifm and monarchy, between liberty and tyranny. It is our boaft, it is our glory, that the ftrife began in America, and that liberty firft triumphed in our country. We hold, that the conteft is ftill going on, and that although the Britifh fleets and armies have left our fhores, yet that they have left their mantle behind, and that in the bofom of our country, there are many, very many, who have long been aiming at unequal privileges, and who have but too well fucceeded. This they have done, by arrogating to themfelves the right to be confidered as the only friends of the conftitution, the guardians of order and religion. Thofe who have difagreed with them in their favorite objects, they have branded with every epithet of abufe, and there are no crimes which they have not uncharitably been fuppofed capable of committing. To oppofe the particular plans of an adminiftration, has been confidered as hoftility to the government itfelf. And to complete the abfurd tale, it has been vainly pretended, that the profperity of our country, and the eafe enjoyed by the farmers, have been the effects of their prudence and virtue.

But, fellow-citizens, you will be no longer deceived, you will difcriminate between the government and the abufes under it ; between the good order of freemen and the awe produced by fedition laws and ftanding armies. You will at once perceive that we are not indebted to adminiftration for the profperity of our country, but to the demand for our produce in foreign countries, to your own induftry, and the bleffings of Providence. If we feek for the claims of our political adverfaries, to our thanks for their wifdom and their folicitude for your intereft, they are to be found in a funding fyftem, a vaft and encreafing national debt, heavy taxes, a Britifh treaty, a mint, a Federal City, a maufoleum, a fedition law and a ftanding army.—Thefe are the fruits of what they call federalifm ; they have been delicious to a few, but ungrateful to republicans ; and the people of America have, by their late election, proclaimed to the world that they will fuffer thofe abufes no longer, but that they will return to economy, and the true principles of the Revolution.

In this fituation of our country, and of our public affairs, which of the candidates ought you to felect for your governor ? The anfwer is obvious—It fhould be the one bred in the fchool of liberty ; the one who has felt the evils of tyranny and abhors them ; the one who has in the moft dangerous times fhewn himfelf the friend of his country, and the bold afferter of her rights—The one hated by tyrants in '76, and dreaded by the fons of corruption ftill ; he fhould be one who has proved himfelf prudent enough in council, and who knows the value of the earnings of induftry. In the venerable *Clinton* you fee all thefe qualities combined, you fee in him all that freemen can wifh, or tyrants abhor. Will you, then, fellow-citizens, forget his fervices ? Will you difregard his merits and heap your honors on enormous wealth ? Forbid it juftice, forbid it gratitude.

We have not the leaft inclination to detract from the pretenfions of the competitor : we allow all that his friends in their addrefs claim for him, and even more—We allow he has inherited vaft wealth—we allow that he has tenants by thoufands—we allow that in the arduous bufinefs of governing the ftate, he will be affifted by the counfels of his family and his friends. But it is yet to be proved, that of himfelf he poffeffes experience, or that fort of talents adapted to the adminiftration of a government whofe concerns are as extenfive and intricate as thofe of ours. He is a young man ; and while your intrepid *Clinton* fought the battles of his country, *Mr. Van Ressselaer* was dandling on the lap of his nurfe.

Political oeconomy, though lately much difregarded, is of the utmoft importance ; and if, Fellow-Citizens, you would again have it adopted, it becomes effential that you place at the head of your affairs, a man who during an adminiftration of 18 years evinced an anxious folicitude to fpare you from taxation. A comparifon of the period whilft he was your Governor with the fucceeding one, will at once fhew the truth of this pofition.

Should it be objected to Governor *Clinton,* that he oppofed the adoption of the Federal Conftitution, we anfwer, that although he did not think that in the form in which it paffed the General Convention of 87, it fufficiently guarded his fellow citizens, from oppreffion ; yet we affirm, that he has always been friendly to a national Government ; that his objections to the original form of the prefent one, were removed by the amendments which foon after its adoption were recommended by the State Legiflatures and agreed to by Congrefs ; and that even from the moment of its firft adoption by the State Conventions, he has uniformly and faithfully fupported it.

Jeremiah Van Rensselaer has been agreed upon, as a fit perfon for Lieutenant Governor—We unite in recommending him to your fuffrages, for his long tried republicanifm ; for his abilities, for his knowledge of public affairs, and for his well known integrity. He was a member of the firft Congrefs, under the prefent conftitution, and in the cabinet as well as in the field, has in every ftation, to which he has been called, proved himfelf an intelligent and virtuous patriot.

Friends and fellow-citizens, to enfure fuccefs to fo good a caufe, to reward fuch merit as Governor *Clinton* and Mr. *Jeremiah Van Rensselaer* poffefs, it only becomes neffary that on the day of election, you prefent yourfelves at the polls. The laft election fufficiently evinces the great preponderance of the republican intereft, and fince that period, it affords additional caufe of exultation, to obferve its increafe, not only in this ftate, but in the United States. Our political opponents are ftruck with confternation, and they are now collecting all their ftrength, and intend to make one defperate effort to regain the ground which they have loft ; but they have no other reliance than our fupinenefs and inattention. They have to deal with a people too intelligent to overlook, and too patriotic to neglect the great interefts of their country ! They muft be difappointed.

[*This Address is signed by* 27 *persons from the Southern,* 32 *from the Middle.* 17 *from the Eastern, and* 25 *from the Western District.*

ALBANY, February 26.

At a meeting of the Council of Appointment, Feb. 24—Prefent, His Excellency John Jay, Efq. Prefident—the Hon. Rob. Roseboom, John Sanders, Ambrofe Spencer, and De Wit Clinton, Efqrs. members.

His Excellency the Governor propofed, That the Secretary be directed to enter on the minutes of their proceedings, all nominations to office, agreeably to the directions of the 8th Section of the Act entitled " an Act to organize the government of this ftate," paffed 16th March 1778—The queftion being put, was carried in the negative, with the exception of Mr. Sanders, who agreed to the fame—but the other members of the council *dissented.*

Becaufe, from the firft organization of the government, until the meeting of the prefent council ; the entries in the minutes of the Council, have as they believe, invariably been otherwife, and becaufe the council do not admit, but deny that the right of nomination exists in the Governor exclufively, which right his Excellency claims and infifts upon ;

Becaufe, fuch a procedure can have no other tendency than unneceffarily to fwell the minutes of the council ; and

Becaufe, in the opinion of the council, the ftatute referred to by his Excellency the governor, does not direct the entry of nominations, whether made by the governor or any other member of the council, but applies only to fuch cafes where appointments are confequent upon nominations.

APPOINTMENTS.

Sheriffs—Thomas Stevens, for Essex ; Guy Maxwell, for Tioga ; Roger Sprague, for Ontario ; ——Greaves, for Clinton.

Mr. Clinton having nominated John Blake, jun. for the office of Sheriff of the county of Orange and his Ex. the Gov. claiming the exclufive right of nomination, obferved that it would be proper for him to confider what ought to be his conduct relative thereto ; and at the fame time requefted that an entry thereof fhould be made on the minutes, with a declaration, that nothing fhould be intended thereby to contravene the refolution of the council adopted previoufly at this meeting.

The council thereupon adjourned.

MESSAGE.

GENTLEMEN,

It has generally and juftly been confidered as highly important to the fecurity and duration of free ftates, that the different departments and officers of government fhould exercife thofe powers only, which are conftitutionally vefted in them ; and that all controverfies between them refpecting the limits of their refpective jurifdictions and authorities, be circumfpectly and fpeedily fettled. There are few Conftitutions or other inftruments, however carefully framed, which are entirely free from ambiguity and do not contain paragraphs liable to different conftructions. Defects and obfcurities have been obferved in the Conftitution of this State, and on certain occafions they have produced inconveniences.

The 23d article of it ordains, " That all officers, other than thofe who by this Conftitution are directed to be otherwife appointed, fhall be appointed in the manner following to wit :—The Affembly fhall, once in every year, openly nominate and appoint one of the Senators from each Great Diftrict, which Senators fhall form a Council for the appointment of the faid officers, of which the Governor for the time being, or the Lieutenant Governor, or Prefident of the Senate, when they fhall refpectively adminifter the Government, fhall be Prefident, and have a cafting voice, but no other vote, and with the *advice and consent* of the faid Council, fhall *appoint* all faid officers."

Doubts have long exifted whether by this article the right of nomination was exclufively vefted in the Governor, or whether it was vefted concurrently in him and the Council. Queftions arofe on this article during the adminiftration of my predeceffor, and in the month of March 1794, gave rife to animated difcuffions between him and the then Council.

When I came to the Government my official duty made it proper for me to form as correct a judgment on the fubject as I poffibly could. After having deliberately confidered this article, I became fixed in the opinion, that it vefted the right of nomination exclufively in the Governor, and for this, among other reafons, that the right to *appoint,* neceffarily included the right to *select* and *nominate* ; and it gave me pleafure to find, on conferring with my predeceffor that this opinion was ftrengthened by his informing me that he had always claimed this right, and never yielded or conceded it to be in the council.

Neverthelefs, as refpectable members of a former council, acting under their oaths to fupport the conftitution, had adopted a different conftruction of this article, and had actually affumed and exercifed this right ; it was evident that this was a queftion on which upright and judicious men might differ in opinion, being therefore apprehenfive that it might, and probably would again produce difagreeable difputes, I thought it advifable to infert the following paragraph in the firft fpeech which I had the honor to make to both houfes of the legiflature, viz.

" There is an article in the conftitution, which, by admitting of two different conftructions, has given rife to oppofite opinions ; and may give occafion to difagreeable contefts and embarraffments. The article alluded to, is the one which ordains that the perfon adminiftering the government for the time being, fhall be Prefident of the Council of appointment, and have a cafting voice, but no other vote, and with the advice and confent of the faid council, fhall appoint all the officers which the conftitution directs to be appointed. Whether this does, by juft conftruction, affign to him the exclufive right of nomination, is a queftion which though not of recent date, ftill remains to be definitively fettled. Circumftanced as I am in relation to this queftion, I think it proper merely to ftate it ; and to fubmit to your confideration the expediency of determining it by a declaratory act."

Unfortunately this important queftion was permitted to continue undecided ; and confequently, I could adopt no other rule for my official conduct, than that conftruction of the article which appeared to me to be the beft founded ; and which had been adopted as the true conftruction by my predeceffor. I have therefore uniformly held and exercifed the exclufive right of nomination ; nor have any of the feveral councils endeavored to affume it, until the 24th day of this month, when the following occurrences took place, viz.

The prefent fheriffs of New-York and Queens who have been nominated on the 11th inft. were negatived. Benjamin Jackfon, who, on the 17th inft. was nominated for fheriff of Orange, was negatived. Certain other nominations were agreed to. Three perfons were then fucceffively nominated for the office of Sheriff of Schoharie, to wit, Wardell Green, John Ingold and Benjamin Miles, and they were negatived. Colonel William Falconer was then nominated for Sheriff of Orange, and being negatived, I nominated Colonel Nicholfon for that office. On this nomination the council (except Mr. Saunders) explicitly refufed to vote ; and one of the members of the council proceeded to nominate John Blake jun. for fheriff of that county. Judging it prudent to confider maturely what ought to be my conduct under fuch circumftances the council was adjourned.

After having well confidered the fubject it appears to me proper to ftate thefe facts to you, while I think and believe, as I moft fincerely do, that the right to nominate is vefted exclufively in the Governor by the Conftitution, it ought not, and I am perfuaded it will not be expected that I fhould, by conceding this right of power to any member of the council, violate my oath to adminifter the government to the beft of my knowledge, in conformity with the powers delegated to me by the conftitution.

From what had formerly happened, it was not a matter of furprize to me that the council fhould claim a concurrent right of nomination with me ; but the refufal to vote on one of my nominations, and while it remained undecided, to nominate another perfon for the fame office, were meafures which going to the exclufion of even a concurrent right in the Governor, appeared to me not a little extraordinary.

Many appointments exceedingly interefting to the public, ought foon to be made ; but while thofe gentlemen perfift in the courfe of proceeding which they adopted that bufinefs muft neceffarily remain fubjected to impediments not in my power to obviate or remove. I therefore fubmit to your confideration, whether it has not become indifpenfible, that the merits of thefe oppofite and interfering claims to the right of nomination, fhould be afcertained and decided without delay.

In whatever conftitutional way, whether by a declaratory ftatute, or by judgement of law, a decifion may be made ; and whether it fhould or fhould not correfpond with the opinion I have expreffed, I fhall certainly acquiefce in and regulate my conduct by it.

JOHN JAY.

Albany, 26th Feb. 1801.

ROBERT ELLIS.

AT the Houfe lately occupied as the Little Hotel—has for fale at low rates, the following articles, viz

Madeira, 1ft quality,
Dry Sherry,
Port,
Teneriffe,
Malaga,
1ft, 4th, and 5th proof Cogniac Brandy,
4th do Jamaica Spirits,
Holland Gin,
Annifeed and Cinnamon Cordials,
Country Rum and Whiskey,
And a general Affortment of Groceries.

☞ Alfo a large fupply of Ladies Morocco Shoes, and firft quality Butter.

Wafhington, March 2, 1801. tf

FOR SALE, OR RENT.

TWO Brick dwelling houfes, fituated on the Pennfylvania-avenue near the Prefident's houfe ; each containing two handfome parlours and paffage on the firft floor, four lodging rooms, including garret, all private, kitchen and cellar ; the whole will be completely finifhed in a few days : the yard's front palifadoed and fet with trees ; the walks to the ftreet paved or gravelled, which will render the fame as comfortable a fituation as any in this City for a private family, and will be fold for lefs than any gentleman can have the fame built for. A family of negroes will be taken in part payment, or Lots will be exchanged for Slaves. For particulars enquire on the Premifes of

OWEN ROBERTS.

March 11, 1801. tf