DISMISSAL, &c.

In New-York.

(Concluded.)

In March, 1794, a period of governor Clinton's former administration, when the council of appointment were sitting in this city, his excellency thought proper to publish a protest under his own signature, against certain proceedings which he then thought improper and unconstitutional—which protest contains this remarkable passage:—

"The constitution declares that all offices, the duration of which is not particularly ascertained, shall be held during the pleasure of the council. By the pleasure of the council, is intended, in my opinion, not a *capricious arbitrary* pleasure, but a sound, rational discretion to be exercised for the public good; a contrary doctrine renders the constitution unsafe and its administration unstable, and whenever parties exist, may tend to deprive men of their offices because they have too much independence of spirit to support measures which they suppose injurious to the community, and may induce others from an undue attachment to office to sacrifice their integrity to improper considerations."

(Signed) GEORGE CLINTON."

Is it in the nature of things—is it within the bounds of possibility, to state a case which would apply in more positive and direct contradiction to the sound sentiments contained in the foregoing passage, than the present proceedings of the Governor and Council? Can the friends of Governor Clinton, for him, can Governor Clinton for himself, refrain from blushing with confusion on reading its contents. His Excellency's feelings must on this occasion be really to be pitied, or he must be an object of real pity for having no feeling at all.—But "Brutus is an honorable man."—Let us endeavour to treat the Chief Magistrate of our state with every possible degree of delicacy.

The conduct of Mr. Hale, in receiving the appointment of Secretary, was perhaps the most honorable and independent of any circumstance of the kind ever transacted under any administration: He did not degrade himself by cringing and fawning to an Ambrose Spencer or a De Witt Clinton, and humbly entreat their friendship and patronage; he did not day after day hang upon the Council and solicit the removal of an officer that he might enjoy the sinecure emoluments of his office, the duties of which he was incapable of performing, or too indolent to attend to.—On the death of Mr. Scott, the former Secretary, a respectable member of the Council of Appointment, then in session, was pleased to wait on Mr. Hale, and propose to him the acceptance of the vacant office. Mr. Hale, after some hesitation, informed the gentleman, that if the Council thought proper to confer the office upon him, he would accept of it, and would study to perform its duties in the best manner his abilities would admit. Mr. Hale would not even wait on the governor and offer himself as a candidate, nor did he solicit the favor of one member of the council.

When the business of making the appointment was taken up by the council, they unanimously concurred in Mr. Hale, though Governor Jay expressed a strong partiality for a friend of his, who was previously nominated, together with several other respectable characters, and the governor was evidently not a little mortified at the result; but after a few months had elapsed, his excellency was pleased to express his warmest approbation of Mr. Hale's official conduct, and has continued from that time uniformly to declare that the duties of the office were never before so ably executed, and that the secretary merited the confidence of the people of the state.

The injury Mr. Hale must experience from having given up a respectable establishment in trade, and the difficulty attending his forming another, must be considerable.

The appointment of Mr. Henry to the office of comptroller, was equally honorable with that of Mr. Hale to the office of secretary: he was in a profitable practice of law, and was rapidly rising in his profession, and has for several years past served his fellow citizens, greatly to his own honor and their satisfaction, as a member of the state assembly; on the resignation of Mr. Jones, he was selected by the council as a man every way qualified to execute the duties of comptroller—an office which requires talents, assiduity and law knowledge to a very considerable degree.

Mr. Henry declined for several days, but was at length prevailed on to accept; and the ability which he has evinced in executing that important trust, does him the highest honor: the injuries which this gentleman must experience, before he can regain his lost practice, must also be very considerable.

Governor Jay has been repeatedly heard to declare, since his resignation, and previous to his leaving Albany, that it was a pleasing reflection to him, that all the different departments in government were so ably filled, and the duties of each so promptly and correctly executed; that whoever might be his successor, he would find no difficulty in executing his official duties; but the violent, despotic and tyrannical conduct of the present council, has destroyed the harmony of the whole machine, and time alone can determine the effects.

It is remarked by some superficial observers, that a change in the officers of government was absolutely necessary, as Governor Clinton could not counsel in confidence with men differing from himself in political sentiment. Did Governor Clinton ever counsel with Mr. Scott, Mr. Lawrence, or Mr. Curtenius? No one can suppose he did. Governor Jay certainly never did, nor did he select their successors for his council. The state constitution knows no other councils for the governor, than the councils of appointment and revision; any information which Governor Jay required from any of his subordinate officers, he applied for and received; his private counsellors he selected as he pleased; Governor Clinton undoubtedly will do the same; and he would have received information and aid from the officers which Mr. Jay left in office, had he and his council thought proper to retain them, which he would not have found injurious to himself, nor to the interest of the state; and it must necessarily be some length of time before he can receive the same aid and information, and the people of the state the same useful service, from his present officers, be their talents and application what they may.

It is a circumstance, not altogether unworthy of remark, that when the opposition to the re-election of Governor Clinton commenced, Mr. Tillotson was one of the first to call personally on Mr. Hale, and strongly to urge the absolute necessity of Governor Clinton's not being re-elected to office, and to enforce on Mr. Hale's mind the propriety of resorting to every possible means that might tend to guard against an event which would prove so injurious to the *interest and reputation of the state.* No one will say that Governor Clinton has changed his political sentiments, consequently the change must be in Mr. Tillotson; at all events Mr. Hale has continued firm to the principles instilled in his mind by Mr. Tillotson at that day; for doing which he is sacrificed, and Mr. Tillotson, for his defection, rewarded. How far this is founded on principles of substantial justice, the people of the state must determine.

These proceedings are declared to be founded on the voice and wishes of the people, and consequently on true republican principles; but can it be the wish of the people that all the connections of a great and wealthy family should be preferred to the honors and emolument of the state? At this time there are held by the family of Chancellor Livingston, the following offices—a chancellor—a minister to the French republic—a judge of the supreme court—a mayor of the city of New-York—a district attorney of the United States—a senator of the United States—a representative to Congress—and a secretary of this state—and in several instances are two of these offices held by one person. Tho' it is not here intended to detract from the personal merit of any of the gentlemen who are the holders of these offices, who may have a just claim to it, can it be compatible with the principles of a free republican government, that so many offices should be bestowed on one family?

Are not these facts, among numerous others, sufficient to prove, beyond the smallest possibility of doubt, that the cry which has lately been made by a certain description of men, of the rights of the people, of the liberty of the press, the freedom of speech, the freedom of election—sedition, alien and stamp laws, taxation, with all other clamours which have been raised; and the load of shameful unfounded personal abuse, which has blackened the public prints for several years past, against the reputation of every man who has supported the federal government, upon true republican principles, from Gen. Washington downward—is the mere effect of unprincipled policy in men who were striving, by raising popular clamours, to gain the support of the people, only to have it in their power to place themselves into office, and to tyrannize over every man who would not join with them in destroying the peace, order and welfare of their country.

If the removal of the late secretary was just, why did not this council of pure republicans, as they are pleased to profess themselves to be, appoint Jasper Hopper to the office to which he has such just pretensions, who was so handsomely recommended by the secretary, and whose political principles are the same as those which they profess! The question is easily answered, because he was not connected with an opulent and powerful family, to countenance and support his just claims—Is this republicanism?—is this equality of rights?—Away with such professions—they are too contemptible even to be reasoned with.

For several years past, when De Witt Clinton and Ambrose Spencer were in the minority, the late secretary has been in the habit of treating them with the most polite attention, civilities and hospitality, and has continued uniformly so to do—when Mr. Spencer thought proper to desert his principles of federalism, and attach himself to the politics of Governor Clinton, though he was treated with studied neglect by most of the respectable federal characters, the secretary not only continued his friendly civilities and attentions to him, but was actually induced on many occasions to become his apologist; and these men have on many occasions spoken in the highest terms of respect of the secretary as an officer and a man; but no sooner are Mr. Spencer and Mr. Clinton cloathed with power, than one of the first objects of their tyrannical malevolence, is the very man whose kind attentions they were in the uniform habit of receiving, and for whom they have openly expressed sentiments of respect and esteem. *Alas, poor human nature!* to what grade of depravity art thou not capable of descending! And these two men, it is with a degree of horror the declaration is made, are announced by their partizans, as intending to place themselves on the bench of the supreme court of this state. Their qualifications for that truly respectable station may be a subject for future examination.

Vindicatory letter of MOREAU, *alluded to in our details of foreign news.*

ARMY OF THE RHINE.

The general in chief to the Minister of War of the French Republic.

Head Quarters at Strasburgh, May 19.

Citizen minister, the Ordonnateur in chief and the pay-master-general, were charged to give to you, as also to the public treasury, a complete detailed account of the administration of the army; but the affectation with which the official journal in its numbers of the 5th and 7th of April, assured its readers that Germany had not been laid under contribution, and that all the funds for the pay of the army of the Rhine had been made by the public treasury, imposes the duty on me of giving you a statement of the sums received at the army, and of their application. At the time I took the command of the army of the Rhine, in the month of January, 1800, eight months pay was due to the army; the distributions of provisions were very irregular, not to say none; and the cloathing was in a most shocking state. I requested of government to make the distributions regular, and to give me only two months pay: I knew the state of the public treasury, and I thought I ought to limit my demands. I received before my entrance upon the campaign, about 13 millions, which provided for what was most pressing, six or seven decades of pay were liquidated: the funds advanced for the services, produced credit, and by the means of 8 or 9 millions of debt, the distributions were regularly made; the clothing was repaired and the army in a tolerable good state, full of zeal and courage, opened the campaign of 1800.

It was not possible to establish any regularity in the receipt of the contributions, except after the armistices. Germany failing in money, prompt returns could not be hoped for but by bank operations. To meet this expence and all the irregular expences which an army in activity necessarily produces, I decided that the paymaster should charge himself in receipt, against the public treasury, with only four fifths of the contributions, reserving to myself to determine upon private securities, the application of the remaining fifth, which I ordered to be paid into a private office.

You have been furnished with a copy of all the process verbal of all the payments. The paymaster-general has also made a return to the treasury. The paymaster-general has been charged against the public treasury with about 36 millions. The funds, the employment of which I reserved for myself, about 7,000,000. The disbursement of the 38,000,000 is composed of about 25,000,000 for pay, and about 11,000,000 for the different services, and other regular expences ordered by the ordonnateur in chief.

The disbursement of the 7,000,000 of which I reserved the application to myself, is composed of expences of negociations to the amount of from 5 to 6 millions, received by bank operations; of gratuities to the whole army: of the expences of some monuments which I erected to respectable general officers on the field of battle; of relief given to some corps which had suffered more than the rest; of the redemption of captured horses incorporated in the corps of the cavalry of the army, and of the payment of a multitude of bills of which soldiers were the bearers; bills fairly due, but not admitted in regular account, in consequence of some defects in formality.

When I shall have received the part of the account opened with me alone, I shall send you such explanations as you may desire. As to the regular accounts, the Paymaster General will give the particulars to the treasury, and the Ordonnateurs must furnish a duplicate of all his orders.

To resume, the contributions have defrayed about 13 months pay. Thus, in the supposition that the army have been delivered to be paid up in course, there would not have been a single decade due to it on its return to France. I have not been able to give more than very short advances for all the services as the liquidations are not effected. But these services have been able to pay nearly the whole of their debts, and I presume that what remains in hand, which will probably be from 7 to 800 thousand francs, and which will be paid to the Military Paymaster of the 5th military division, will meet what will be due upon it.

The army has returned, as well equipped as could be desired for troops after a very severe winter campaign. The corps of infantry are at the same complement as at their entrance upon the campaign: several are from 8 to 900 men in the battalion. There are none of them under 700. The corps of the cavalry are much more numerous than at their entering upon the campaign. The resources of the conquered countries have furnished from their depots the means of equipment of which they were in need. Several regiments of light cavalry exceed 700 horses. The artillery has returned in a very improved state, bringing with it near 200 pieces of cannon taken from the enemy, and about 3000 horses more than upon its entrance upon the campaign. The arsenals of Strasburgh and Mentz, are provided with wood, iron, steel, &c.—Finally, there is returned in the magazines of military hospitals, moveable property to the amount of about 50,000 francs.

Believe me, Citizen minister, that I have observed in the raising of contributions, all possible order, and that I have not neglected the interests of the republic; the conquered countries have been burdened as much as they could be, without violating the laws of humanity.

The general in chief,

(Signed) MOREAU.

P. S. The pay of the Staffs and Officers without troops, has been discharged up to the latter end of April. This article amounts to above two millions.

(A true copy.)

The general in chief.

(Signed) MOREAU.

By virtue of a writ of Fieri Facias, issued out of Washington County Court, in the District of Columbia, to me directed, will be offered

FOR SALE,

TO the highest bidder, on Tuesday the 22d instant, at William Tunnicliff's Hotel, in the City of Washington, all George Walker's right to the following lots in the said city, to wit:

Lots No. 4 and 5, in sq. No. 1019.
Lot No. 1, in sq. No. 1044.
Lots No. 3, 4, 5, 6, 11, 12, 13, 14 in sq. No. 963.

All the said Walker's interest in sq. No. 966—Lots No. 5 and 6, in sq. No. 896—Lot 4, in sq. No 837—And lots No. 2, 15, 16, in sq. No. 836; or so many thereof as may be sufficient to satisfy a debt due to Overton Carr, for the use of Henry Roger. The sale to commence at 11 o'clock in the forenoon. Terms of sale cash.

DANIEL C. BRENT,
Marshal.

Washington City, Sept 2, 1801. 2awt

FOR SALE,

LOTS IN DIFFERENT PARTS OF THE CITY;

To Rent—A House and Lot,

pleasantly situated for a genteel family—Enquire of ROBERT W. PEACOCK, Attorney at law and Conveyancer.

Near the corner of F and 14th street west, City of Washington, Sept. 2, 1801. 3t