

This day arrived Paris papers to the 19th instant. The French funds continue to decline. On the 27th the five per cents were at 59.

An article from Geneva speaks of a treaty about to be entered into between that State and the French Republic, by which the former is to renounce the islands of Corsica and Cephalonia, and to receive in exchange Onetia and its dependencies.

The approaching departure of general Andreeff from Paris to London, is announced to take place within fifteen days of the 21st ult.

A tenacious conflict is, it is stated, about to be effected for the purpose of publishing the orders of distribution of provisions in St. Domingo, in such a manner as to conciliate the rights and interests of the proprietors and the negroes.

The Hambrogher which arrived on Saturday morning, on the authority of a French agent on Vienna, states that the Imperial court cautious to withhold its assent to the scheme of indemnities which has been proposed, "differentially" arranged by France, Russia and Prussia.

An article from Antwerp, of the 19th inst. states that a body of Russian troops, on their march to take possession of that port of Passus, granted as an indemnity to the Elector Palatine, were prevented from passing by a corps of Austrians, stationed for that purpose by the command of Vienna, on the extreme frontier of the last Viennese. The declaration of the Elector Palatine, and the emperor Alexander, will, no doubt, remove all objections; though it appears but reasonable, that the proposed plan of indemnities should not be carried into effect until sanctioned by the decision of the Imperial Diet.

Last night a Dutch mail arrived, and a second this morning. Accounts from the Hague state, that a French army is to be assembled on the Rhine, for the ostensible purpose of military parade when the Elector Palatine shall visit Belgium, but more probably for the more important object of influencing and accelerating the deliberations of the Diet of Ratisbon.

The French journals are silent respecting the prohibition issued against the reading of English newspapers. The fact, however, is certain, orders have been received by many in the habit of sending them over, to discontinue them till further notice. One would think this sufficient to quiet the apprehensions of those who entertain fears respecting fair discussion; and yet we find in one of the journals a furious trade against the English papers. It is supposed to be from the pen of a writer, and contains very gross and unfounded charges of corruption. How different the conduct of the journalists of the two countries—we should rather say how different the governments! Here we reprint the worst things they can even read again—there they do not even read our plain statement of facts.

It is positively stated in a private letter from Lisbon, that the abrupt departure of Gen. Laflaya was occasioned by some very extraordinary attention manifested to Madame Lafaya by an illustrious personage belonging to that court.

The harvest in Belgium is just finished and is the richest ever remembered in that country.

Bristol, Sept. 2.

Improvements of the Harbour of Bristol.

We rejoice to see the spirit of enterprise that heretofore so happily marked Bristol as the second fane of commerce in the empire, rapidly reviving in so much, that we trust, in the course of a few years, the city will regain its former Mercantile importance and respectability. The plan at present for rendering the harbour of Bristol a completely safe one, is generally esteemed to be such as will make the port, at least equal, if not superior, to any other in the United Kingdom, both for safety and convenience; and the appearance will, assuredly, present a scene of commercial grandeur and magnificence equally to be envied.

Hitherto, the ships at our Quay have inevitably grounded every tide, a circumstance which has deterred foreign vessels from bringing cargoes to the port, except at very advanced rates of freight; and even then, very reluctantly, owing to the difficulty and expence of taking the ground. This evil being removed, there is every reason to believe, that foreigners will prefer coming here to any other port, and we have no doubt, but that merchants from all parts of the kingdom will flock hither, to participate in the great commercial advantages which Bristol will then most certainly insure to them.

WASHINGTON CITY.

WEDNESDAY, October 20, 1802.

It is, with much regret, that the Editor, from a disappoinment in the receipt of proper papers, is obliged for the present and perhaps another publication to use smaller paper.

From Poulson's American Daily Advertiser.

To Levi Lincoln, Esq. Attorney General of the United States.

SIR, An independent citizen of the United States, little apology perhaps is necessary in addressing you; no more than to say that he feels it a duty incumbent on him—a duty urged by the supposition that it has elapsed the notice of others—to all, for that intimation, the confidence in which he tenderly conceives him in common with his fellow citizens.

The correctness of the opinion which you gave after mature deliberation in the case of Callender's fine has been frequently discussed before the public. Mobile comparisons have been made, and puerile arguments urged, to free the President from any blame in the transaction, and to justify the decision given by yourself. The question which I allude to you Sir, will, if answered, dispel all doubts upon the subject, and while it may prove the veracity of your conduct, will greatly tend to alleviate the fears of many who now impinge the property of the United States at the mercy of the executive before it is vested in the office of the Secretary of the Treasury.

Did you not, about three months after you gave it as your opinion, that a fine paid into the hands of any public and lawful agent (other than the Secretary of the Treasury) was returnable at the pleasure of the President (in his respective pardon)—Give a diametrically opposite opinion in the case of certain citizens of Georgetown, Alexandria and City of Washington; who having incurred lawful penalties, part of which were paid to the Commissioners, applied to the President for a remission of them who referred the matter to the Secretary of the Treasury, by whom you were consulted upon the subject. I say, Did you not, in this case, give it as your former opinion, that money having been paid into the hands of a public agent was not at the disposal of the President? And did not Mr. Gallatin act in conformity to this opinion?

Perhaps I am not correct in listing the particulars, though certain of the fact. The subject was local, attracted little or no attention, and I believe, was never noticed in any paper to the ear of the seat of government. But at that time the restoring of Callender's fine, or the granting a pardon after the culprit had undergone his punishment, and the sentence of the court was fulfilled, were equally unknown.

A PLAIN CITIZEN.

Philadelphia, Sept. 29, 1802.

Mr. Poulton, will please to request the Editor of the National Intelligencer to insert the above.

The "Plain Citizen" having requested the insertion of his piece in the National Intelligencer, we will inform him that he is mistaken in every particular of the fact which he asserts. No citizens of Georgetown, Alexandria, or this city, applied to the President or the Secretary of the Treasury for the remission of penalties incurred by them. The attorney general gave no opinion, and was not even consulted on the subject of any fines, penalties or forfeitures incurred in the district of Columbia. Neither did any other legal opinion was taken on the question whether the amount of fines incurred in that district and paid into the hands of a public agent, but not yet paid into the Treasury, might or might not be legally remitted. No such question arose in the district. The druggist who is supposed to have taken the "Plain Citizen's" facts to allude is nothing more than this.

A question arose, under the 2d section of the act supplementary to the act intitled, "An act concerning the district of Columbia," whether certain fines, penalties or forfeitures were payable by the public agents who had collected the same, to the Treasury of the United States for the use of the United States, or to the board of county commissioners for the use of that county in the district in which they had been incurred. A question was actually put into the Treasury; another put was in the hands of the marshal, and the construction given to

the law by the Treasury Department being unfavorable to the claim of the county commissioners, the attorney of the district was consulted. His opinion in some respects coincided with, and in others differed from, that of the Treasury; and so far from considering the payment of the fines to the marshal as a bar against a proper application of their amount, he was directed by the Treasury to pay them in conformity to the decision of the district attorney. So far as there is any difficulty between this and Callender's case, the decision may be said to agree; but the questions which arose under each were materially different: in Callender's case, the question was, whether monies collected for the use of the United States by a public agent, but not yet paid into the Treasury, could legally be returned in any other way than into the Treasury; in the case now alluded to, the question was whether certain monies collected by a public agent, and not yet paid into the Treasury, had, under the United States, or for that of the county commissioners.

We hope that Mr. Poulton by republishing this statement, will satisfy the "Plain Citizen," that even if there has been any error in the attorney general's decision in the case of Callender's fine, the charge of inefficiency at least is groundless.

But since our attention has been thus drawn to the subject of Callender's fine, it may not be improper to add some remarks on the legality of the executive decision in the case of Callender's fine, the charge of inefficiency at least is groundless.

But since our attention has been thus drawn to the subject of Callender's fine, it may not be improper to add some remarks on the legality of the executive decision in the case of Callender's fine, the charge of inefficiency at least is groundless.

On the 6th of March, 1801, a pardon was granted by the President to T. Callender, for certain offences of which he had been convicted under the "sedition law." The operative words, in conformity to the usual style of pardons, which was adopted on this occasion, were, "I hereby remitting and absolving all pains and penalties incurred or to be incurred by him, the said J. T. Callender, by reason of the conviction and judgment of the court."

On the 25th of March the marshal of Virginia wrote to the attorney general, then acting as Secretary of State, that he would "refer to the proper authority to decide the questionable point whether, as the fine had been paid, previous to the date of the pardon, a return of the money was intended." On the 20th April the attorney general, in reply, stated in his opinion, "before a fine was paid into the Treasury, a pardon remitted and restored it to the party, and that he might therefore return the money to Mr. Callender." On the 5th of May the marshal wrote to Mr. Callender to call for the balance due to the Treasury, and the marshal having, on the 17th of May, enclosed to the comptroller his account of the expenses of the March term, credited at that account the United States with the amount of the fines but not yet returned, the money or value at that time in any part of the balance which, exclusively of that fine, he owed to the United States. The Comptroller wrote on the 30th May to the marshal that it appearing by a letter from the Secretary of the Treasury, and from the opinion of the attorney general, that the fine had been remitted and ought to be returned, he should return it accordingly. With the previous refusal of Callender of the 5th of May, the Treasury and the other officers of government at Washington, were at that time unacquainted as the information was communicated by the marshal only in his letter of the 5th of May.

May to the attorney general, which followed him to Massachusetts where he had at that time returned. The knowledge of that fact could not have had any effect on the decision; it is only in the case of a conviction, that the fact of a remittance is here noticed. The marshal complied with the directions of the Treasury, and on the 20th of June paid the amount of the fine to Callender.

The only question on which a difference of opinion existed, was whether, a pardon remitted and restored to the party a fine, collected by the marshal, but not yet paid into the Treasury? We have often had it been asserted, and yet even it is repeated in some federal papers even since the original documents have been deposited in the Treasury, that the fine was remitted and restored to the party a fine, collected by the marshal, but not yet paid into the Treasury? That question was decided on the 20th of April, and before the Secretary of State had entered into the duties of his office, or even arrived at the seat of government. Yet a question was presented to him in a decision in which he had no share, and which was made before he was

in office. Yet when it was filed that the fine was not repaid till the end of three months and half, the fact was it had been tendered seven weeks after the date of the pardon, was omitted for reasons which will be easily perceived by a recurrence to the piece to which we allude. But it is only the correctness of the attorney general's decision which we mean to examine.

The constitution gives the President the explicit and undoubted authority (except in the case of a impeachment) to grant pardons; this is the true and sole source of pardon; which was a great constitutional principle, and the remission of all penalties incurred, was to be incurred by conviction and judgment. When we see by the constitution that the President is empowered in every case by a pardon, which is not limited by any other condition. Then by what which can limit the exercise of it is that which is declared that no monies shall be drawn from the Treasury, except by warrant of the President, authorized by law; and this is the true and sole source of why fines, once paid into the Treasury, cannot be remitted, by the mere effect of a pardon; all such fines being, when once in the treasury, appropriated not to the use of the public, but to the use of the Treasury. What shall be considered as a source of the treasury, admits neither of debt or credit, nor of the meaning of these words being exactly defined by the act to establish the Treasury Department, passed the 2d of September 1789, which declares that it is the duty of the Secretary of the Treasury to receive and keep the monies of the United States, and all receipts for monies received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, without which no warrant shall be valid, no acknowledgement for money received into the public treasury shall be valid.

Hence it follows, that no monies can be legally considered as in the treasury, unless paid to the Treasurer, and the payment be sanctioned by a warrant of the Secretary. Callender's fine was collected by the Marshal, but the payment sanctioned by the Treasurer, nor the payment sanctioned by a warrant. It was neither legally, nor in fact, in the treasury; and the effect of the constitution which forbids the drawing of any monies out of the treasury, without an appropriation, being inapplicable to it; because, although incurred, legally remitted to the party by the mere effect of the President's pardon. To support a contrary construction, it might be proved that monies once legally received into the Treasury, had not been actually paid to the Treasury, but a penalty once incurred, cannot be affected by a pardon. There is nothing in the constitution which can justify such a construction. No such exception or limitation to the executive authority of remitting pardons can be found in the Constitution. The style of pardons, as before observed, has, on the contrary, uniformly been "remitting all penalties incurred, as well as to be incurred." Such exception or limitation would lead to the most absurd consequences, and would, so far as related to the limitation of a fine, never could operate after a conviction; for it will not be denied that the judgement of the court vests the right to the fine in the United States as fully and absolutely as its actual payment.

We are authorized to assert that the construction pursued in this case not only is that which alone could legally have prevailed, but that it has uniformly been adopted in similar cases. The Secretary of the Treasury is authorized by law to remit certain fines and penalties incurred under the revenue laws, in the same manner as the President is authorized by the constitution to grant pardons in all cases. That power has uniformly been exercised by every Secretary of the Treasury in the same manner as the President's authority was exercised in the case of Callender. Fines and penalties incurred under the revenue laws, have repeatedly been remitted, had repaid to the party, as well after as before judgement, and as well after as before they had been actually paid by the parties to the collectors of the revenue, who were the proper public agents to receive them. Yet the law, which gives this authority to the Secretary, is so silent on the point whether it shall operate on monies thus paid to public agents, before the use of the United States, as the constitution, which vests in the President the pardoning power. In neither of these two parallel cases had it ever been supposed, until the present moment, that a doubt could exist; and in both cases the equipment of the monies, before it had actually been drawn from the treasury, was considered as the natural and necessary operation as well of the power given by law to the Secretary as of that conferred