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**Title:** Letter from Jeremiah Black to James Buchanan

**Date:** April 27, 1857

**Location:** MC 1998.10, B1, F2

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Attorney General's Office  
May 27. 1857

Sir,

Looking at the constitution  
alone and construing it by its own  
word I would say that the executive  
power to ~~as~~ grant reprieves and pardons  
must be exercised by a total remission  
of all penalties inflicted for the particular  
offense or else not exercised at all.  
To modify the sentence by releasing the  
convict from part of it and leaving  
the rest in force seems like a judicial  
revision of the case, <sup>more than</sup> a pardon or forgiveness  
of it. But since you referred Smith's  
case to me with the expression of a  
contrary opinion of your own I have  
examined and found that the universal  
practice of all your predecessors sanctioned  
by the courts has been to <sup>relieve from</sup> ~~grant pardon~~  
such portion of the sentence as the President  
saw proper ~~and~~ without affecting others parts.  
This doctrine seems to be based on the notion  
that the constitution meant to give the President  
the same power that was exercised by the King  
of England. Whatever be ~~the~~ <sup>its</sup> ground  
or its want of ground it must now be taken  
for law. -

Yours respectfully  
L S B M A

To the President -

Attorney Generals Office  
May 27, 1857

Sir,

Looking at the Constitution alone and construing it by its own words I would say that the executive power to grant reprieves and pardons must be exercised by a total remission of all penalties inflicted for the particular offence or else not exercised at all. To modify the sentence by releasing the convict from part of it and leaving the rest in force seems like a judicial revision of the case more than a pardon or a forgiveness of it. But since you referred Smith's case to me with the expulsion of a contrary opinion of your own I have examined and found that the universal practice of all your predecessors sanctioned by the courts has been to relieve from such portion of the sentence as the President sees proper without affecting others parts. This doctrine seems to be based on the notion that the constitution meant to give the President the same power that was exercised by the King of England. Whatever be its ground or its want of ground it must now be taken for law.

Yours respectfully  
J S Black

To the President