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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 Gulrals Office My 27, 1834 Si, Lowery anthe constitution alow and construing it by its own word I would buy that the executive former to to grant represent cend foundary in much be exercised by a total remulsion of all prutties inflicted for the franticular There a else not exercised at all. To modify the Soutence by releasing the Convert from from of h and leaving the rest in free deems lite a judicial revision of the case a frandom a frequents of it. But since you repend Smith's case to her with the exposion of a Centhany opinion of your own I have Islammed and frund thish the unwersal fruitice of all your predicesons Sunctioned by the courts has been to from fourt Such fortion of the Sintence of the Presedus her forgon and without affecting officer fouts Dry clother Seems to be leased on the orthon thus the constitution much to give the Bresident the sum frommer that was excused by the King of England. Whatever les to grove its fround on its want of from I much now be taken for land. - Brund respectfully 25 Bank Lotte Breadenh -

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