TO THE PRESIDENT.

The Pardon of Jenkins Advised.

by him, is such as was allowed to officers of the navy, of equal grade, employed on the coast survey. Any other interpretation would render the execution of the act impracticable.

I have the honor to be, very respectfully, sir, your obedient servant,

JNO. NELSON.

Hon. David Henshaw,
Secretary of the Navy.

THE PARDON OF JENKINS ADVISED.

Jenkins, a slave imprisoned under a sentence of the circuit court for the county of Washington, in the District of Columbia, for a second offence against the act of March 2, 1831, is a proper subject for the exercise of the pardoning power. The act includes "every person," and therefore makes no distinction between slaves and free persons, who may offend against its provisions. The character of the offence, the interests of his master, and the public policy, all indicate the propriety of a pardon in this case.

ATTORNEY GENERAL'S OFFICE,
August 25, 1843.

Sir: The prosecution and conviction of negro David Jenkins, alias Daniel Jenkins, in the circuit court for the county of Washington, in the District of Columbia, made in pursuance of the provisions of the act of Congress of the 2d of March, 1831, section 13, by which it is declared that every person, upon a second conviction of larceny, where the property stolen is under the value of five dollars, or of a second conviction of receiving stolen goods, knowing them to be stolen, where the property stolen is under the value of five dollars, shall be sentenced to suffer imprisonment and labor for a period not less than one nor more than three years. The law makes no distinction between slaves and free persons. Every offender, upon conviction, is liable to the punishment denounced by the statute. The description in the indictment is but for the purpose of identification, which it is necessary should be inserted and proved as laid, but which gives neither color nor grade to the offence or to the punishment. Daniel, therefore, whether slave or free, was liable to be proceeded against and punished. The facts disclosed by the petition of Mr. Evans
Balances of Pensions due at Death of Pensioners, &c.

present a case proper, in my judgment, for the intervention of the pardoning power. The character of the offence for which the slave has been convicted, the interests of the master in his property, implicated without any fault on his part, and the absence of every motive to continue an imprisonment which can result in nothing promotive of public policy, and which can be terminated without prejudice to the rights of any, are considerations which strongly merit, as they would fully justify, your interposition.

I have the honor to be, very respectfully, sir, your obedient servant,

JNO. NELSON.

To the President.

BALANCES OF PENSIONS DUE AT DEATH OF PENSIONERS—
TO WHOM PAYABLE.

Where the husband of the applicant, Commodore David Porter, in his lifetime, applied for a pension for disability incurred in 1803, and the same was allowed by the proper department, at the rate of forty dollars per month, to take effect from the 24th day of January, 1825, when he retired from service in the navy; and then, in 1839, made an application for arrears from 1803, under the provisions of the act of 3d of March, 1837, and received a reply from the Secretary of the Navy, deciding that there was due him a pension, at the rate of twelve dollars and fifty cents per month, from 1803, when his disability was incurred, to the 24th of January, 1825, but did not receive the same in his lifetime; and the widow applies for it after his death—held, that such allowance exists in the form of a debt due to the estate of Commodore Porter, and the legal representatives are entitled to receive it.

It is so much money in the hands of the government to the credit of Commodore Porter, which belongs, since his death, to his executor if he has left a will, or to his administrator if he has died intestate.

ATTORNEY GENERAL'S Office,

August 28, 1843.

SIR: The application of Mrs. Evelina Porter, referred to this office for my opinion by your communication of the 15th instant, is based upon the following facts: Commodore David Porter, her husband, in 1838, made application for a pension for a disability incurred in 1803, which was allowed by the proper department, at the rate of forty dollars per month, to