heard and reported by the board of commissioners for the district of Missouri, and confirmed by the Congress of the United States, which appeals, with the papers relating to them, have been referred to the Attorney General from the Department of the Interior, have been duly considered, together with the arguments of the learned counsellors on file; and I am of opinion that the decisions of the Commissioner of the General Land Office, in locating the claims of Esther, Brazeau, Labaume, and Choteau, respectively, as represented by the surveys thereof on the plat marked L, referred to in his decisions, are correct. I am not able to discover that, in so deciding, he has violated any principle of law, or decided any question of law erroneously; and, in my opinion, he ought to proceed to cause patents to be issued according to his decisions, appealed from, I think, without just cause.

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

J. J. CRITTENDEN.

Hon. A. H. H. STUART,
Secretary of the Interior.

APPLICATION FOR THE PARDON OF SEE-SEE-SAH-MA.

As there is reason to doubt the guilt of the Indian See-see-sah-ma, who is under sentence of death for murder, his case presents a very proper occasion for the exercise of executive clemency, either by general pardon or by a commutation of the punishment to which he has been sentenced.

The general power to pardon, conferred upon the President, includes the power to pardon conditionally, or to commute to a milder punishment that which has been adjudged against the offender.

Where the condition is such that the government has no power to carry into effect, the pardon will be in effect unconditional.

Commutation of a sentence of death to confinement in a penitentiary, within the district in which the conviction was had, the use of which shall have been granted to the United States by the legislature of the State, may be carried into effect.

ATTORNEY GENERAL'S OFFICE,
May 10, 1851.

Sir: I have examined, as well as the short time allowed me would permit, the papers you placed in my hands in re-
TO THE PRESIDENT.

Application for the Pardon of See-see-sah-ma.

lation to the case of See-see-sah-ma, an Indian sentenced to be hung for murder in the district court of the United States for Missouri.

From the statement of the evidence in the case, found among the papers, it appears to me that the testimony can hardly be said to have warranted the verdict of conviction. It seems to me that there is reasonable ground to doubt the guilt of the condemned party. Without attempting to re-examine the case, I am decidedly of opinion that it presents a very proper occasion for the exercise of executive clemency, either by general pardon or by a commutation of the punishment to which he has been sentenced.

The general power of pardoning, conferred by the constitution upon the President, includes the power of pardoning conditionally, or of commuting to a milder punishment that which has been adjudged against the offender. The commutation of the punishment is but a conditional pardon; and that the President may grant such a conditional pardon has been always recognised and decided.—(United States vs. Wilson, 7 Pet. 158.) Where the condition is such that the government has no power to carry it into effect, the pardon will operate as a general and unconditional pardon; and it is therefore necessary to consider the means of carrying into effect the prescribed condition or commutation. There can be no doubt, I think, as to the power of carrying into effect a pardon commuting the sentence of death into confinement or imprisonment in any State prison or penitentiary within the district where the conviction took place, "the use of which may have been allowed or granted by the legislature of the State," &c.—(See the act of 1825, authorizing such confinement, sec. 15; 4 Statutes at. Large, 118 and 739, and the Revised Statutes of Missouri, p. 442.)

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

To the President.

J. J. CRITTENDEN.