I return herewith the petition enclosed in your letter, and have the honor to be,

Very respectfully,

C. CUSHING.

Hon. A. G. WATKINS,

House of Representatives.

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PARDONS.

The President of the United States has no power by a supplemental or special pardon to relieve a Federal convict of legal or political disabilities imposed on such convict by the laws of one of the States.

ATTORNEY GENERAL'S OFFICE,

July 9, 1856.

SIR: An application has been made in the case of Oliver Robbins of Sackett's Harbor in the State of New York, which presents a question of law for your determination.

The said Robbins was convicted in the year 1851, in the Circuit Court of the United States for the Northern District of New York, of an offence created by act of Congress, and sentenced to imprisonment therefor in the Penitentiary of that State.

In the year 1852 he received from the President of the United States a general pardon.

He now prays "that he may be fully restored to the rights and privileges of citizenship," as to which he assumes that some act can be performed by the President of the United States.

I think he is in error, and that the constitutional power of the President in the case has been exhausted by the full pardon already granted.

The disability, from which he desires to be relieved,—if any exist,—is imposed, not by the Constitution or laws of the United States, but by the laws of New York, which laws, of course, have no efficacy except within that State, and appertain to its local administration as a State.

The provision referred to is to the effect that no person "con-
Pardons.

victed of an infamous crime," shall vote at any election "unless he shall have been pardoned and restored to all the rights of a citizen." (Revised Code, vol. i, p. 347, 348.)

The meaning of this provision is not perfectly clear. Is it that by some public act in addition to a pardon, the convict must have been restored to citizenship? Or is the restoration to citizenship the legal consequence of a pardon? It seems to be hastily assumed that the former is the true construction.

If this be so,—if it be a disability which a full pardon does not of itself remove,—if the legal effect of the provision be what the petition thus presumes,—then it is a special disability imposed by the laws of New York, not by any act of Congress, which can be removed only by the authority of that State, and which, in my opinion, is altogether beyond the reach of the President of the United States.

I am not prepared to say by what means the party is to obtain the removal of the supposed disability,—if it exists; it is a question of the construction of the laws of the State of New York, the solution of which belongs to the jurists of that State.

In this view of the legal relations of the case, the papers are submitted for your consideration.

I have the honor to be, very respectfully,

C. CUSHING.

To the President.