PRESIDENT'S PARDON.

The effect and operation of a pardon issued by the President stated.

ATTORNEY GENERAL'S Office,

November 2, 1866.

SIR: The effect of a pardon is to discharge a person from all penal disabilities which attach by law to the offence pardoned. It is co-extensive with the punishing power, and is applicable to the remission of fines, penalties, and forfeitures which are imposed by law as punishment for offences. There is no offence when the crime is pardoned, and there cannot be any penalty imposed for it.

The form of pardon granted by the Executive to persons engaged in the late rebellion does not restore them, by its own operation, to any property, or the proceeds of any property, sold under a judgment or decree of confiscation.

I am, sir, very respectfully,

Your obedient servant,

HENRY STANBERY.

The President.

VICE ADMIRAL'S PAY AS SUPERINTENDENT OF THE NAVAL SCHOOL.

The pay of the vice admiral of the navy, while acting a superintendent of the naval school, is at the rate allowed him for services at sea by the act of December 21, 1864.

ATTORNEY GENERAL'S Office,

November 5, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, asking my opinion on the question as to the pay allowed by law to the vice admiral of the navy while discharging the duty of superintendent of the naval school at Annapolis.

6—vol. xii
The pay of the vice admiral of the navy, as fixed by the act of December 21, 1864, is $7,000 when "at sea," $6,000 when on "shore duty," and $5,000 when "waiting orders."

The act of September 28, 1850, provides, that "the pay of the superintendent of the naval school at Annapolis shall be at the rate allowed to an officer of his rank when in service at sea."

The question you submit for my opinion is, Whether an officer of the rank of vice admiral, who may be superintendent of the naval school, shall receive, while holding that position, the pay allowed him "when at sea," or that given him "when on shore duty?"

I have no hesitation in saying, that as to the pay of the vice admiral while acting as superintendent, the act of 1850 continues in force, and that he is entitled to receive as pay for such service the rate allowed him for service at sea by the act of 1864.

In respect to officers of the navy, Congress has, from time to time, regulated their pay according to the nature of the service in which they were engaged, having special regard to sea service, shore service, leave of absence, or waiting orders.

When the grade of rear admiral was established by the act of July 16, 1862, the same distinction as to pay was kept up, viz: at sea, $5,000; on shore duty, $4,000; on leave of absence or waiting orders, $3,000.

So, too, when the grade of vice admiral was established by the act of December 21, 1864, the same rule was adopted, and one rate of pay fixed for service at sea, another for shore duty, and another when waiting orders.

Inasmuch as the act of 1850 expressly fixes the pay of the superintendent at the rate allowed him, according to his grade, for sea service, that must be the rule, unless it is repealed by the act of 1864.

Certainly there is no express repeal, and I feel very clear there is no repeal by implication. I will state as briefly as possible the grounds on which this opinion is founded,
TO THE SECRETARY OF THE NAVY. 83

Pay of Superintendent of Naval School.

keeping in view the well-established rule that repeals by implication are not favored, especially when the two statutes supposed to be inconsistent are susceptible of a construction which will allow due effect to both.

1. The Congress saw fit to distinguish by special enactment the service of superintendent of the naval school from all other shore service, and to place it on a footing with the highest rate of service, that is to say, sea service. That particular service, though in fact shore service, is, as to pay, in legal estimation, sea service. No doubt there was good reason for this special favor, in order to give dignity and efficiency to an institution upon which the well being of the navy so much depends.

2. If we hold the provision as to shore service, when applied to the vice admiral, to cover and regulate his pay as superintendent, we must necessarily apply the same rule to the rear admirals and all other officers as to whom there is a regulation as to pay for shore service; thus, in effect, totally frustrating the special rule adopted in the act of 1850, and sinking the pay of the superintendent to the common level of shore service.

3. If we so construe these statutes as to make the regulation for pay for shore service general, and the regulation of pay for the superintendent special and exceptional, we shall adopt a construction which makes them fully operative and harmonious.

I am accordingly of opinion, that the pay of the vice admiral, while discharging the duty of superintendent, is regulated by the act of 1850.

I am, sir, very respectfully,
Your obedient servant,
HENRY STANBERY.

Hon. Gideon Welles,
Secretary of the Navy.