Applications for Pardon.

otherwise have upon said contracts, by the marginal indorsement placed thereon by the Department.

I make no decision as to whether or not the Post-Office Department has a legal right to offset the claims of the United States upon the contracts not fulfilled against the claim of the contractor for services rendered in the performance of the other contracts.

Very respectfully,

GEO. H. WILLIAMS.

Hon. Jno. A. J. Creswell,
Postmaster-General.

APPLICATIONS FOR PARDON.

Applications for pardon are addressed to the President, who may act on them upon his own examination simply, or, before acting thereon, may refer them to any of the Executive Departments for advice.

An application having been, with that view, referred by the President to the Secretary of War, and the latter having afterward submitted the same to the Attorney-General for his opinion thereon, the Attorney-General declined to give an opinion, on the ground that to do so would be merely to advise the Secretary as to what he should advise the President.

DEPARTMENT OF JUSTICE,
March 23, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, transmitting, with accompanying papers, the application of Richard Reynolds, a prisoner confined in the penitentiary at Jefferson City, Missouri, for a pardon.

I herewith respectfully return the papers, and have to say that applications for pardon are addressed to the President of the United States, who may decide upon an application of that kind upon his own examination, and may refer the papers to any of the Departments for advice upon the subject. With this view it seems he has referred the papers in the case of Reynolds to the War Department. I do not recognize the right of that Department to call upon me for an opinion upon the merit of the application, as that would be simply advising.
TO THE ASSISTANT ATTORNEY-GENERAL.

Duty of Attorney-General.

The Secretary of War as to what he should advise the President.

Moreover, the application for pardon presents altogether a question of fact, upon which the Attorney-General is not authorized to give official opinions to any of the other Departments. This has been repeatedly decided by my predecessors, (5 Opin., 626; 7 Opin., 491; 10 Opin., 267; 12 Opin., 206.)

Very respectfully, your obedient servant,

GEO. H. WILLIAMS.

Hon. Wm. W. BELKNAP,
Secretary of War.

Duty of Attorney-General.

The act of June 22, 1870, chap. 150, establishing the Department of Justice, made no change in the law as to the duty of the Attorney-General in giving official opinions, according to which, as it has been repeatedly held, he is authorized to give an opinion upon a question of law only on the submission thereof by the President or by the head of an Executive Department.

The Assistant Attorney-General attached to the Interior Department having prepared an opinion upon a case previously referred to him by the Secretary of the Interior for examination, and having submitted the same to the Attorney-General for approval: Held that the approval or disapproval of the said opinion by the Attorney-General would in effect be giving his official opinion where it is not called for by the President or by the head of a Department, and, therefore, where it is not authorized by law to be given.

DEPARTMENT OF JUSTICE,
March 26, 1872.

SIR: I have received your three letters dated, respectively, January 31, February 9, and March 15, 1872, inclosing three opinions, one touching the claim of the Atlantic and Pacific Railroad Company for indemnity-lands; one in the case of Hans Scheeverin against the Western Pacific Railroad Company; and the other relating to the Creek orphans, which I herewith return without any action thereon by me.

I find that my predecessors in office have made numerous decisions to the effect that the Attorney-General is only authorized to give his official opinion upon a question of law