Though the services of Mr. Mix appear to have been important and arduous, yet, as they were assigned to him in the exercise of his duties as a clerk in the office which appropriately had charge of them, such an allowance as that proposed could not be regarded in any other light than an increase of his salary for the discharge of official duties. I am aware of no authority so to apply the contingent fund. The proper mode of obtaining compensation appears to me to be an application to the legislature.

H. D. GILPIN.

To the Secretary of War.

RESPECTING THE PARDONING POWER.

The pardoning power vested in the President extends to fines imposed upon individuals for conduct adjudged to be contempts of the circuit courts.

ATTORNEY GENERAL'S OFFICE,
February 27, 1841.

Sir: I had the honor to receive your letter of the 2d February, enclosing the application of Richard L. Dixon to the President, and the recommendation of Judge McKinley and Judge Gholson, and other persons in the State of Mississippi, for a pardon of the fine of $400 imposed on Mr. Dixon for a contempt committed by an affray between himself and another person, in the presence of the judges of the circuit court of the United States at Jackson, in that State; and inquiring whether the executive authority to pardon properly extends to such cases.

If we adopt—as the Supreme Court of the United States has decided we should do—the principles established by the common law respecting the operation of a pardon, there can be no doubt it may embrace such a case. A pardon has been held to extend to a contempt committed in Westminster Hall, under circumstances not materially different from those which occurred in the case submitted to the President.

I am therefore of opinion that, should the President consider the facts such as to justify the exercise of his constitutional "power to grant reprieves and pardons for offences against the
Execution of Patents for Land.

United States, there is nothing in the character of this offence which withdraws it from the general authority.

H. D. GILPIN.

To the Secretary of State.

EXECUTION OF PATENTS FOR LAND.

It is a sufficient compliance with the provisions of the act of July 4, 1836, for the engrossing clerks to write the name of the President to patents, and for the secretary thereafter to attest them by his signature.

All the duties respecting the execution of patents, except the attestation, are ministerial, and may be performed either by the clerks or by the secretary.

ATTORNEY GENERAL'S OFFICE.

February 27, 1841.

SIR: I had the honor to receive your letter of the 24th instant, enclosing one from the Commissioner of the General Land Office, and inquiring whether the clause in the sixth section of the act of 4th July, 1836, which makes it the duty of the secretary appointed by the President, pursuant to the authority of that act, "to sign, under the direction of the President, in his name, and for him, all patents for land," is sufficiently and legally complied with by the signature of the secretary being subscribed in his own proper handwriting; the name of the President, for whom it is signed, being written by the clerk who engrosses the patent.

In reply, I have to say that, in my opinion, such a mode of execution is sufficient and legal, and is as much an execution of the patent, within the meaning of the act, as is the execution of a deed by a party who does nothing more than subscribe his name. The intention of the law was to impose on an officer appointed as the act requires the responsible duty of executing these instruments—of attesting their validity by his signature. This he has done. The rest is a merely ministerial duty, of which the form is prescribed by law; and whether it is performed by a clerk, or by the secretary himself, is quite immaterial.

H. D. GILPIN.

To the Secretary of the Treasury.