

The fine belongs to the school fund, and cannot therefore be permitted.

The Governor supposes that you consider the case analogous to that where an informer is interested in a portion of the fine. The Governor directs me to say that he has fully considered this question, and arrived at a different conclusion. The policy of the Acts of Assembly giving to informers a portion of the fine, is very clear - it is to give efficacy to penal enactments by creating vigilance and procuring testimony, which the law supposes can best be done, by giving the witness an interest in the fine. Upon the wisdom of such law the executive has no opinion to express. But such is the law, and its manifest policy. In regard to the case under consideration, the fine is only directed to be appropriated in a particular way, instead of going direct into the Treasury; and it is not intended to vest a right in the Trustees of Schools (as in the case of informers) which cannot be defeated by the exercise of the general constitutional prerogative of the Executive.

If the fine is paid, instead of going into the Treasury for general purposes, it is to be applied to the use of a special fund. That is the whole meaning and object of the law. The Governor still, by virtue of his constitutional prerogative, can, as in other cases, permit the fine.

I am with great respect

Yours at least

Thos. H. O'Neal

Secretary of State