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That it is indictable, although there is no other penalty imposed
but the obligation to indemnify the County - It is as much a mat-
ter of public justice from which a party may be acquitted, as if
a positive penalty were provided since it equally affects the
public

Yours Respectfully
Robert J Brent

Wm
Thos H. O'Neal
Sec. of State
Annapolis

Annapolis June 3rd 1853

Dear Sir

Your favor in relation to the fine of Daily, which
was released by the Governor was duly received, and I
would have replied to it at once, but in the hurry of bus-
iness during Court it was mislaid

The Gov. appears to have been misinformed in re-
gard to the position taken by me on the subject of the
fine. The fact of the matter is, the fine was paid to the
Sheriff before the Governor acted upon it, and therefore there
was nothing to release.

And as there is no power in the Executive to refund
the amount paid to a party who has satisfied the demands
of the law in that respect I advised the Sheriff that he
would not be safe in returning it to him.

Very Respectfully, Yours &c.

To Thos H. O'Neal
Sec. of State

Executive Department
Annapolis, Md.,
June 6th 1853

J. W. Gordon Esq.
State Attorney &c.

Dear Sir:

Your letter of the 2nd inst. has
been received, and the Governor directs me to say that
your statement of the facts presents altogether another view
in relation to the case of Daily. That fine having been
paid to the Sheriff before the remission thereof was granted,
it is considered as paid into the Treasury; and the legislative