

different from, or less culpable, than that which is made criminal by section 2105, and, therefore, the authorities cited below are applicable *both* to the provisions relating to forfeiture and recovery back, and those creating the crime. Besides this, forfeitures are *penal*, and all acts creating them are strictly construed the same as are criminal laws.

In turning now to an analysis of these sections, with the purpose of discovering whether they render unlawful any transaction by Governor Crawford, we have decided to quote, at the outset, from an opinion of ours, of date April 5th, 1889, which, before Governor Crawford received said moneys, we, on his request, prepared and delivered to him in answer to his question whether there was any impropriety in his accepting his said compensation, as he did.

In deciding to make this quotation from our opinion, we are actuated by two principal considerations: One is that we do not see, upon a careful review of the whole matter, that we can materially improve the statement contained in these quotations, which we make from our opinion; and the other is that we desire to make the Attorney-General aware of the scrupulous care with which Governor Crawford proceeded in ascertaining what was lawful and proper before he accepted his said compensation.

This opinion, after stating, in substance, the facts as they are above recited, and after quoting the material parts of said sections of the Revised Statutes, says:

But, as already remarked, we have, in the view we take of these sections of the Revised Statutes, not found it necessary to consider or determine the question of their applicability to the 'civilized tribes,' because, we hold that there is nothing in these sections which, according to the true sense thereof, operates as a prohibition upon your receiving the said compensation for your services.