

Since the attack upon Governor Crawford, which is now pending before you, was commenced, we have carefully reviewed the whole matter covered by that opinion, and we now venture to add, to what we have above quoted from that opinion, some additional suggestions, mainly in the way of added authorities enforcing our said views.

In the recent case of *Steam Engine Co. v. Hubbard*, 101 U. S., 188, the Supreme Court was brought to the consideration of the question whether corporation officers were liable for debts which *continued*, during the period of their neglect, but which were not *contracted* during that period, under a statute which made such officers of a corporation jointly and severally liable for debts contracted during the period in which they *neglected to make certain required returns* touching the condition of the corporation. In holding that this penal statute did not apply to debts contracted *before* the neglect, although they *continued during the neglect*, the court comments upon the above-named rule for construing criminal and penal statutes. Of this comment we here wish to avail ourselves and ask a reference to the cases there cited. Regarding this rule of interpretation the court says:

“Preliminary to these inquiries, the defendant contends that *the statute upon which the action is brought is penal and should be strictly construed; in which proposition the court unhesitatingly concurs.*”

After citing a large number of authorities sustaining the same doctrine, the court says:

“Corresponding decisions have been made in other courts, and to such an extent as to justify the remark that the rule is universal.”

Some of the Supreme Court authorities we have already cited.

The *U. S. v. Hunter*, decided by Justice Brewer, in the Circuit Court of the United States for the Eastern Dis-