

"These principles of law admit of no dispute, and have been often declared by the highest courts, and by no judicial tribunal more clearly than the Supreme Court of the United States." (U. S. *vs.* Morris, 14 Peters, 464; U. S. *vs.* Wiltberger 5 Wheaton, 76; U. S. *vs.* Sheldon, 2 *ib.*, 119; and see, also, Ferrett *vs.* Atwill, 1 Blatchford, 151, 156; Sedgw. Const. and St. Law, 324, 326, 334; 1 Bish. Cr. Law, Secs. 134, 145.)

This rule for the interpretation of criminal and highly penal laws is applicable to laws in derogation or restraint of the liberty of citizens; as, for instance, laws prohibitory of ordinary trade and commerce.

These principles will, also, be found in—

Providence Steam Engine Co. *vs.* Hubbard, 101 U.S., 188, 191, 192, and cases cited.

Shaw *vs.* R. R. Co., 101 U. S., 565.

Brown *vs.* Barry, 3 Dal., 367.

Tiffany *vs.* National Bank of Missouri, 18 Wallace, 409, 410.

U. S. *vs.* Strain, 17 Fed. Rep., 435, 437.

U. S. *vs.* Buchanan, 9 Fed. Rep., 689.

French *vs.* Foley, 11 Fed. Rep., 804.

In the case of Fish *vs.* Manning (31 Fed. Rep., 340) a *qui tam* action prosecuted under section 4901, Rev. Stats., which imposes a penalty made recoverable, *qui tam*, for falsely stamping as patented any article, and which was decided in the District Court, Southern District of New York, in 1887, opinion by Brown, J. (31 Federal Reporter, 340), it was held that the sufficiency of the complaint was to be prosecuted according to the rules applicable in civil actions and according to the State practice in similar or analogous actions at common law, and not according to the analogies of criminal procedure.

It was also held, in that case, that, since, under section 1897 of the New York Code of Procedure, the statute relied