Company *vs.* Forrest, 2 Stra., 1241, margin.) Hammond, in his treaties on Parties (48) says: '*It seems two cannot join as common informers in a penal action unless specially allowed by statute.*'

"The plain language and sense of the statute under consideration *restrict the right of action to a single person;* and we should not be disposed, on general principles, to enlarge its operation, so as to encourage the associations of individuals in instituting and conducting penal actions, the nature of those actions in our opinion exacting a rigorous adherence to the terms of the law.

"Judgment is accordingly rendered in this case for the demurrant, with costs; and the same judgment is rendered in the ten other suits between the same parties on like pleadings."

That more than one cannot sue in such *qui tam* action, see also Comw. *vs.* Winchester, 3 Pa., L. J. R., 34.

In Wilson *vs.* Manufacturing Company, (12 Fed. R., 57), decided in the Circuit Court for the Northern District of New York, in 1882, by Drummond, C. J., in a *qui tam* action, prosecuted under section 4901 of the Revised Statutes, the court held what is thus expressed in the syllabus:

"In an action for the penalty, for affixing the word 'patent' unlawfully on an article, an intention on the part of the defendant to affix a stamp or plate, indicating that there was, at the time, a present subsisting patent upon the machine, *is necessary*, and unless that appears the offense is not committed."

In Pentlarge *vs.* Kirby, decided in the Southern District of New York, in 1884, opinion by Brown, J. (19 Fed. Rep. 501), and prosecuted under the same section 4901, the court, in the body of the opinion, regarding prosecutions on such penal statutes, uses the language we quote below.

On the point as to whether the words "within whose district the offense may have been committed," in said section 4901, admit of the construction that one is guilty of affixing the stamp, &c., in a district into which he has