

last clause of section 2103, making penal the taking of payment "to any person, by any Indian or tribe, or any one else, for or on his or their behalf, on account of services, *in excess of the amount approved by the Commissioner and Secretary for such services,*" and in showing that these complaints, instead of charging the offense so made penal, charge what would, ordinarily, amount to an "embezzlement," we have, necessarily, included *all the parts and particulars* of said two complaints, and have thus included *all* the defects thereof. But now it becomes important that we should descend to specific details, and point out the special and individual defects of the complaints, thus showing the particulars in which they fall short of meeting the requirements of a penal prosecution under said statute.

In entering upon a statement of these particulars it is essential to add to the principles of law which we have gone over, showing the strictness with which penal statutes must be construed and followed in such penal prosecutions, that additional maxim of the law, which is thus stated in Chitty (1 Chitty's Pleadings, side-page, 241):

"It is a maxim in pleading that everything shall be taken most strongly against the party pleading, or, rather, that if the meaning of the words be equivocal they shall be construed most strongly against the party pleading them; for it is to be intended that every person states his case as favorably for himself as possible."

Take first the fact that this prosecution is brought by *six* different informers or prosecutors or complainants, and notice that the authority given by section 2103 is in these words:

"May be recovered by suit in the name of the United States, regardless of the amount in controversy; and one-half thereof shall be paid *to the person* suing for the same," &c.