So that the statute expressly limits the right to become informer, or the party suing, to one "person," the words being "*the person* suing for the same."

This language is precisely identical with that found in section 11 (4 Stats., 438), which was brought under review in the case of Ferrett *et al. vs.* Atwill, 1 Blatchf., 115, and where, as we have seen, the court, upon most abundant authority, held what the head-note thus expresses:

"The penalty imposed by section 11 of the copyright act of February 3, 1841 (4 U. S. Stat. at Large, 438), for putting the imprint of a copyright upon a work not legally copyrighted, and given by the act to '*the person who shall sue for the same*,' *cannot be recovered in the name of more than one person.*"

In the light of this authority and of the cases which the court cites (pp. 156–157), this defect, to wit, six persons uniting in a suit where the statute permits but one to sue, is, of course, fatal, unless said authorities are disregarded.

The next specific defect which we point to is, that the complaints—neither of them—allege what said last paragraph of section 2103 makes to be the gist of the offense, namely, the actual "*payment*" of money or other thing of value to any person, by an Indian or tribe, "*in excess of the amount approved by the Secretary and Commissioner.*" If no such payment was made for services, then, of course, no offense under this statute is possible.

Now, turning to each of these complaints, that for the Creeks and that for the Seminoles, and it will be seen that no averment of any payment is contained in either of the complaints.

On the contrary, the utmost averment in that direction, regarding payment being made, is that the parties accused "did then and there pay, *or pretend to pay*," into the hands of Crawford.