*"It is to be observed, also, that informations were in frequent use **410** in the early periods of the settlement, although they are not so at present; the mode of recovery being either by action of debt (*qui tam*) or by indictment. The word "bill," though intended in England as a *bill of Middlesex*, was supposed to intend here a bill of indictment, which expression was actually used in one of the acts. The general court determined otherwise in a case brought before them about the year 1791, in consequence of which it was declared by the act of November 1792, Ch. 20, that persons offending against the said acts, might be prosecuted by bill of indictment or action of debt, and not by bill plaint or information. The recovery by plaint, which in England is a private memorial tendered in open court to the judge, has not been used in the province. There is nothing to shew that this statute, as far as it has been applicable, should not remain in force, but it would seem necessary that some special provisions should be made in incorporating it with our laws." Kilty, Rep. 235.

I. An infant, it is held under this statute, cannot be an informer, because he must sue by guardian or *prochein ami*, Maggs v. Ellis, Bull. N. P. 196, and probably the same principle would apply here, though the action is brought in the name of the State. So it is said that a corporation cannot sue as a common informer, at least where the words of the Statute are, "any person or persons, who," &c., Weaver's Comp'y v. Forrest, 2 Str. 1241. See the note to 4 H 7, c. 20.[1]

III. It is in the discretion of the Court whether they will give leave to compound,[2] and so it was refused in Howel v. Morris, 1 Wils. 79, in an action for selling gold rings of less fineness than required by Stat. 18 Eliz. c. 15; and in an action on Stat. 20 Geo. 2, c. 36, for keeping a disorderly house, Tidd Prac. 557, where an account of the proceedings on an application to compound is given. In Britton v. Pierce, Barnes 462, it is said that after conviction leave is never given to compound, but that case was not within the Statute, which does not extend to actions by the party grieved, Doghead's case, 2 Leon. 116, though it does extend to those suing for the whole penalty, as to a *qui tam* informer, Wilkinson v. Allot, Cowp. 366, and the opinion therefore has not the weight of a decision; and other cases are mentioned where it has been given, as in Bradshaw v.

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[1] Where a statute provides that one-half of the fines imposed for violation of a law shall go to the informer, that person is the informer within the statute who first gives notice to the police authorities that a violation of the law takes place in a certain house, and in consequence of this information arrests are made, followed by conviction and payment of fine. It is not necessary that he should be a witness in the case or have such personal knowledge of the crime as would make him a competent witness. Sanner v. Gisriel, 85 Md. 523.

[2] When the principal has settled with the government, the sureties on his bond are discharged from the payment of the penalty provided for the offense. U. S. v. Chouteau, 102 U. S. 603.