

such Offence shall be committed, or in the Leet within which it shall happen, and not in any wise out of the same County where such Offence shall happen or be committed. 18 *El. c. 5.* 27 *El. c. 10.* 21 *Ja. I. c. 4.*

I. None restrained by Order of any of the Queen's Courts, may be an Informer.

II. In Information upon Penal Statutes the County where the Offence was done, must be expressed, &c. Many be disquieted by common Informers. Informers restrained to sue by Order of some Court. 2 *Anders.* 180. 3 *Bulstr.* 278. The County shall be expressed where the Offence was done. *Cro. El.* 645, 736. *Cro. Jac.* 85, 178. *Hob.* 184, 251, 327.

III. Officers of Record shall not be bound by this Act.

IV. Certain Offences whereof Information may be given in any County. 1 *El. c. 11.* 1 *El. c. 20.* 37 *H. 8, c. 9.* 13 *El. c. 8.* 5 & 6 *Ed. 6, c. 14.*

V. Within what Times Suits upon Penal Statutes shall be pursued. 4 *Mod.* 129, 130. *Cro. Jac.* 603.

VI. Actions, Informations, &c. limited by some Statutes to be sued within a shorter Time.

VII. A Repeal of the Stat. of 7 *H. 8, c. 3,* touching Informations. 5 *El. c. 4.* Certain Offences punishable only at the Assizes, Quarter-Sessions, or in a Leet. *Raym.* 154.

It is held that the operation of this Statute is universal as respects its extension to all Statutes, whether made before or since, *Barber v. Tilson*, 3 *M. & S.* 47, and as to offences whether of omission or of commission, *Whitehead v. Wynn*, 5 *M. & S.* 427. But neither it nor Stat. 21 *Jac. 1, c. 4,* extends to actions by the party grieved, *Bac. *Abr. Action Qui tam* 425 *C.* In *Fife v. Bousfield*, 6 *Q. B.* 100, this was affirmed, and the Statute held to apply to common informers only. But as it applies also to every class of actions on statutes imposing penalties, a person suing for a penalty for himself is within it just as if he were an informer *qui tam*, *Dyer v. Best*, 1 *L. R. Exch.* 152, overruling *Chance v. Adams*, 1 *Ld. Raym.* 77, and following *Lookup v. Frederick*, 4 *Burr.* 2018.¹ However, the Code, Art. 40, sec. 1,² provides that all prosecutions for penalties, &c. must be brought in the County where the offence is committed. As to laying the offence by the declaration, &c. in the County where the contract, &c. alleged to be the offence was in truth done, see *Smith v. Bond*, 11 *M. & W.* 549. And Art. 57, sec. 10,³ enacts that no prosecution or suit shall be commenced for any fine, penalty, or forfeiture, or any misdemeanor except those punished by confinement in the penitentiary, unless within one year from the time

¹ The Statute applies to all common informers whether they are the parties grieved or not; and the venue must be local, even though the plaintiff be the person grieved. *Lewis v. Davis*, *L. R.* 10 *Ex.* 86. Cf. *Robinson v. Currey*, 7 *Q. B. D.* 465.

² See now Code 1911, Art. 38, sec. 1 and note 3 to 4 *Hen. 7, c. 20.*

³ Code 1911, Art. 57, sec. 11.