

vision of the California Penal Code, a criminal statute is to be "construed according to the fair import of the terms, and with a view to effect its object;" and, by the provisions of the Code of Civil Procedure of California; the court is prohibited from reading into the statute language or words not incorporated therein.

5. History and import of ss. 619 and 640. These sections of the California Penal Code were both enacted on February 14, 1872, and were both amended into their present form and provisions on March 21, 1905. When these sections were originally enacted they related solely to a mode of telegraphy and to a message which depended upon "conduction;" that is, upon the conveyance of an electric current by an unbroken metallic wire suspended or laid between two stations. As a matter of fact no other method of telegraphy was at that time known, or put into practice for more than a quarter of a century thereafter. These statutes having been enacted before such a thing as "wireless telegraphy," or a "wireless message," was known—or even dreamed of, unless it may have been in the privacy of the laboratory, by an eminent scientist here and there over the world—the courts, and officers of the judicial department, cannot presume that there was an intention on the part of the legislature to include within the prohibition and punishment provided in these sections a thing not known and not in existence at that time—a "wireless message." Telephones were not known at the time these sections were originally enacted; and it has always been conceded, on all hands, in California, as far as the criminal laws of the state are concerned (whatever may be the rule as to civil statutes), that telephony and telephonic messages were not embraced within the provisions of the original sections. As a matter of fact, these sections were amended on March 21, 1905, into their present form for the express purpose of making them cover telephony and telephonic messages. The amendment to s. 619 consists simply in the insertion of the words "or telephonic" after the word "telegraphic," and before the word "message;" and the amendment to s. 640 consists simply in the insertion of