

to be constructed together, and so construed there can be no doubt or question but that "conduction" was the only method of transmission in the contemplation of the legislature.

8. The sole object of these sections of the California Penal Code, when enacted, and as amended, was and is to prevent the employees of telegraph and telephone lines and offices from giving out other than the addressee, or making a private use of messages sent and received; and also to prevent persons not employees from getting possession of the contents of messages and information not intended for and not delivered to them; that is, by the means popularly known as "wire-tapping." To accomplish or perpetrate the offence of wire-tapping there must be an overt act of invasion, a trespass, upon the rights and property—the line—of the company. No telegraph or telephone company, or other company, can have either a "right of way" or "private property" in the air. "*Usque ad oceanum, et usque ad coelum*," is a venerable maxim of the law. Hence, any one who goes onto a house-top and there shouts his private business into the air, which is common to and the property of all men, takes the chance of having his "shout" overheard by anyone whose premises the sound-wave passes; and if he is injured thereby, he has but himself to blame; it is *damnum absque injuria*. And this rule holds good, no matter in what "language" the "shout" is uttered.

9. Elementary rules of construction. The conditions which justify this article make it necessary that a few of the elementary rules for the construction of criminal statutes and penal statutes shall be given. These rules are well settled; the authorities are all "one way;" and a few of the late cases, only, will be cited. One of the elementary rules for the construction of a criminal statute, is that it shall be according to the natural and obvious meaning; and where there is no ambiguity in the language used, and its meaning and purpose are clear, the courts are not authorized to either limit or extend the language of the act by construction. Such a statute is open to construction in those cases, only, where there is reasonable uncertainty in the meaning.