

the words "or telephone" before the word "line," and also before the word "office." This shews beyond the possibility of question, or of a remote doubt, that there was no intention on the part of the legislature to so amend these sections as to make them embrace "wireless telegraphy" and "wireless messages." To bring "wireless messages" within the provisions of the criminal statutes, it is thought, it will be absolutely necessary to do so in express terms.

6. A "wireless message" is a thing apart, both from a telegraphic message and a telephonic message. It differs as much from each as they differ from each other; and telephonic messages had to be especially provided for by specific amendment to bring them within the operation of the statute.

7. The word "telegraph" is derived from a Greek word which means, literally, afar writing, or to write afar; and, as known to the law, refers to the entire system of appliances used in the transmission of telegraphic messages by electricity, consisting of, first, a battery or other source of electric power; secondly, of a line, wire, or other artificial conductor for conveying the electric current from one station to another; thirdly, of the apparatus for transmitting, interpreting and reversing the electrical current; and, lastly, of the indicator or signalling instrument; and courts take judicial notice that the "telegraph" of a railroad company consists of wires strung on poles set upright in the ground along its road.

These sections of the California Penal Code, as enacted in 1872, embrace the words "telegraphic message" and "telegraph line," shewing unmistakably that the only thing the legislature had in mind at the time of their message was the "conduction" method spoken of above; and the amendments to the original section simply introduce the words "telephonic" and "telephone," leaving the original sections, in purpose, absolutely as they were enacted, except their extension so as to include telephone lines and telephone messages—both of which are operated through and depend upon a wire "conduction." These two sections of the California Penal Code, being in *pari materia*, are