

only carried and sold the article, the court says (19 Fed. R., 504):

"Had it been the object of Congress to make penal the exposure of such articles for sale, it must be presumed that appropriate words to indicate that intention would have been used. Under the rule of construction above referred to the *language of the statute cannot be thus extended merely because the statute may be easily evaded, or because the same mischief may be done by means of other acts not prohibited, and which cannot possibly be brought within the fair meaning of the statutory terms.* The language of Marshall, C. J., in the case of *U. S. vs. Wiltberger*, 5 Wheat., 96, is especially applicable here: 'The case,' he says, 'must be a strong one indeed which would justify a court in *departing from the plain meaning of the words*, especially in a penal act, in search of an intention which the words themselves did not suggest. To determine that a case is within the intention of a statute its *language must authorize us to say so. It would be dangerous indeed to carry the principle that a case which is within the reason or mischief of a statute is within its provisions so far as to punish a crime not enumerated in the statute, because it is of equal atrocity or of kindred character with those which are enumerated.*'"

*Ferrett vs. Atwill*, 1 Blatchf., 151-156.

See also *The Saratoga*, 9 Fed. Rep., 322-325.

*U. S. vs. Temple*, 105 U. S., 97.

*U. S. vs. Graham*, 3 Sup. Ct. Rep., 583.

*Ruggles vs. State*, 2 Sup. Ct. Rep., 832-838.

*French vs. Foley*, 11 Fed. Rep., 801-804, and cases there cited.

And again, in the same case (pp. 505-6):

"The enactment of the offense, of the penalty, of the person who may sue, the mode of suit, and in what district the prosecution is to be brought, are all connected parts of one single enactment. In such cases, where the offense is new and the remedy prescribed, the general rule has long been that the remedy must be sought in the precise mode and subject to the precise limitations provided by the act which creates the offense. The rule is founded upon the presumed intent of the legislative authority in connecting the