The court then quotes the language of Chief Justice Marshall, from U. S. *vs.* Wiltberger, 5 Wheat., 95, which we have quoted above; also from U. S. *vs.* Morris, 14 Pet., 475, the language which we have above quoted; also the language of Swayne, from U. S. *vs.* Hartwell, 6 Wall., 396, and says what we now quote in regard to this quotation from Swayne, stating, in substance, that where the penal statute admits of *two* constructions, that one may be adopted which will best manifest the legislative intent, but this without "bending" the words either one way or the other, as follows:

"I know of no rule in the construction of criminal or penal statutes, or of any instance, going further in the support of courts may be supposed to be the general intent of the legislature, than that indicated in the language of Swayne, J., above quoted."

The same principle, which is so explicitly held in the cases above cited, and especially in Pentlarge *vs.* Kirby (19 Fed. Rep., 504), is distinctly enunciated in many other cases, to wit, that the words of a penal statute cannot be extended by construction to cases not coming within the words of the statute, merely because such cases not so coming within said words do in fact come within the *mischief* intended to be prevented by the penal statute.

For example, it is held in Leonard *vs.* Bosworth, 4th Comm., 421, that—

"To subject a party to a penalty for a violation of a statute it is not sufficient that the offense is within the *mischief*, if it be not within the *literal* construction of the statute."

In principle the same thing is found in Eastport *vs.* Hawkes, 15th Maine, 155; Pray *vs.* Burbank, 12 N. Hampshire, 267; and also in Marson *vs.* Tryon, 108 Pa. St., 270; State *vs.* R. R. Co., 76 Me., 411; Gilbert *vs.* Bone, 79 Ill.,