

The author proceeds:

"So that, for instance, under an act, which, in its eighth section provided for the punishment of certain offences, among which *manslaughter* was *not* mentioned, committed upon the *high seas*, or in any river, haven, basin, or bay, and in section twelve punished *manslaughter on the high seas*, no indictment could be maintained against one for manslaughter committed on board an American vessel *in the river Tigris*, in China, sixty-five miles from its mouth." (Citing *U. S. v. Wiltberger, supra.*)

Apply this last paragraph and the doctrine of Wiltberger to the case at bar. Shall it be said that because receiving the compensation due him *in the absence of all contracts* is as culpable as to receive an "excess" above his contract, where a contract existed, therefore this act of Governor Crawford shall be brought within the statute, *although the statute makes nothing a crime except the act of exceeding—taking "in excess of"*—a limitation fixed by an express contract? It is absolutely self-evident that so to construe this statute is to defy these principles of law so abundantly established by the authorities now pointed to.

The author proceeds:

"If the legislature has not used *words* sufficiently comprehensive to include within its prohibition *all the cases* which fall within the mischief intended to be prevented, it is not competent to a court to extend them." (Citing the English cases in note *a*, to-wit, Lord Tenterden in *Proctor v. Manwaring*, 3 B. & A., 145.)

In this case of *Proctor v. Manwaring*, the court says:

"However desirable it may perhaps be to prevent the mischief attending such cases as the present, yet we cannot extend a penal statute so as to bring this case within it. The words of the statute appear to me applicable only to a general supply of the poor by the parish officers. This case, therefore, does not fall within the act."