

ists. I do not, by any means, speak of the justice of God, which is of another kind, and refers immediately to rewards and punishments in a life to come.

CHAP. III.

Consequences of the foregoing Principles.

THE laws only can determine the punishment of crimes; and the authority of making penal laws can only reside with the legislator, who represents the whole society, united by the social compact. No magistrate then, (as he is one of the society) can, with justice, inflict on any other member of the same society, punishment, that is not ordained by the laws. But as a punishment, increased beyond the degree fixed by the law, is the just punishment, with the addition of another; it follows, that no magistrate, even under a pretence of zeal, or the public good, should increase the punishment already determined by the laws,