

## CHAP. IV.

*Of the Interpretation of Laws.*

JUDGES, in criminal cases, have no right to interpret the penal laws, because they are not legislators. They have not received the laws from our ancestors as a domestic tradition, or as the will of a testator, which his heirs, and executors, are to obey; but they receive them from a society actually existing, or from the sovereign, its representative. Even the authority of the laws is not founded on any pretended obligation, or ancient convention; which must be null, as it cannot bind those who did not exist at the time of its institution; and unjust, as it would reduce men, in the ages following, to a herd of brutes, without any power of judging, or acting. The laws receive their force, and authority from an oath of fidelity, either tacit, or expressed, which living subjects have sworn to their sovereign, in order to restrain the intestine fermentation  
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