The same thing is strongly stated in the following cases:

Chief Justice Marshal, in the case of United States *vs.* Wiltberger, 5 Wheaton, 95, states the rule we allude to in these words:

"The rule that penal laws are to be construed strictly is, perhaps, not less old than that construction itself. It is founded on the tenderness of the law for the rights of individuals, and on the plain principle that the power of *punishment* is vested in the *legislative*, not in the judicial department. It is the legislature, not the court, which is to define a crime and ordain its punishment.

"It is said that, notwithstanding this rule, the intention of the law-maker must govern in the construction of penal as well as other statutes. This is true. But this is not a new, independent rule which subverts the old. It is a modification of the ancient maxim, and amounts to this, that though penal laws are to be construed *strictly*, they are not to be construed so strictly as to defeat the obvious intention of the legislature."

Chief Justice Taney, in the case of United States *vs.* Morris, 14 Peters, 475, states the same rule thus:

"In expounding a penal statute the court certainly will not extend it beyond the *plain meaning* of its *words*; for it has been long and well settled that such statutes must be construed strictly."

The case of United States *vs.* Clayton, 2 Dillon, 217-25-26, was a case wherein the defendant, then governor of Arkansas, was indicted under section 22 of the act of Congress of the 31st of May, 1870 (16 Stats., 145), being an act to enforce the rights of citizens of the United States to vote, &c., and provides "that any *officer of any election* at which any representative or delegate in the Congress of the United States shall be voted for," who should neglect or refuse to do his duty in regard to the election, or the certificate or returns, should be deemed guilty of a crime liable to in-