

ted, at other times they inflicted punishments where the party was not by law liable to any punishments; and in other cases they inflicted greater punishment than the law annexed to the offence; the ground for the exercise of such legislative power was this, that the safety of the kingdom depended upon the death or other punishment of the offender, as if traitors when discovered could be so formidable, or the government so insecure! With very few exceptions the advocates of such laws were stimulated by ambition or personal resentment, and vindictive malice.

To prevent such and similar acts of violence and injustice, I believe the Federal and State Legislatures were prohibited from passing any bill of attainder, or ex post facto law.

Justice Iredell said, "the history of every country in Europe will furnish flagrant instances of tyranny exercised under the pretext of penal dispensations. Rival factions, in their efforts to crush each other, have superseded all the forms and suppressed all the sentiments of justice while attainders, or the principle of retaliation and proscription, have marked all the vicissitudes of party triumph.

The temptation to such abuses of power is unfortunately too alluring for human virtue, and therefore the American Constitution has wisely denied to the respective Legislatures, Federal as well as State, the possession of the power itself, they shall not pass any ex post facto law; or, in other words they shall not inflict a punishment for any act which was innocent at the time it was committed, nor increase the degree of punishments previously denounced for any specific offence.

Justice Patterson said, "the historic page abundantly evinces that the power of passing such laws should be withheld from legislators as it is a dangerous instrument in the hands of bold, unprincipled, aspiring and party men, and has been too often used to effect the most detestable purposes."

It has been also already seen that the reconstruction Committee base their proposed act of proscription upon the same grounds of safety to