

1 with the obligations of contract to imply that ex post  
2 facto laws also apply in the civil field. That is to  
3 my recollection, a substantial broadening of the ex post  
4 facto concept. Is that intended?

5 PROFESSOR ASPER: No. We commented on that  
6 in the section on ex post facto, which as a term of art  
7 refers to criminal laws. Retrospective law is a broader  
8 term, and of course, both are used in Article 17.  
9 However, the Maryland Court of Appeals has said on a  
10 number of occasions, most recently in the revenue case,  
11 that the purport of Article 17 is ex post facto relating  
12 only to criminal statutes. They have on occasion, as we  
13 point out in Elliott versus Elliott, been disturbed about  
14 retrospective laws affecting, and here again the civil  
15 rights, non-criminal rights, et cetera, and have protected  
16 them but using as the basis of their protection the  
17 Constitution of the United States, the inhibition of  
18 Constitution of the United States against contract laws,  
19 so we felt by using ex post facto, not retrospective, we  
20 have by using that phrase here confined this particular  
21 term to criminal laws with retroactive effect and to