

and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made." And the Constitution of the United States declares that "no bill of attainder, or *ex post facto* law, shall be passed." And "no *State* shall pass any bill of attainder or *ex post facto* law." Thus it is beyond question that neither Congress nor any *State* can give legal effect to this proposition. The people of each *State*, separately, and the people of all the *States* unitedly, have in the most solemn form denied such power to both their Federal and *State* Governments.

The reasons for this denial of such power were fully set forth by the Judges of the Supreme Court of the United States in 1798, in the case of *Calder and wife versus Bull and wife*, 3 Dallas, 386.

Justice Chase said, "The obligation of a law in governments established on express compact, and on republican principles, must be determined by the nature of the powers on which it is founded." "The Legislature may enjoin, permit, forbid and punish; they may declare *new* crimes, and establish rules of conduct for *all* its citizens in future cases." "The prohibition against their making any *ex post facto* laws, was introduced for greater caution, and very probably arose from their knowledge that the Parliament of Great Britain claimed and exercised a power to pass such laws under the denomination of bills of attainder, declaring acts to be treason which were not *treason when committed*; at other times they inflicted punishments where the party was not by law liable to any punishment; 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 on 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 Rival factions in their efforts to crush each other have superseded all the forms and suppressed all the sentiments of justice, while attainders on the principle of retaliation and proscription, have marked all the vicissitudes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 framers of the American Constitution have wisely denied to the respective Legislatures, Fed-