

eral 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 punishment 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 already seen that the reconstruction Committee base their proposed act of proscription upon the same grounds of safety to the State and punishment of treason, which the British Parliament, some centuries ago, alleged in justification of similar acts.

Your Committee would not revive the dead issues of the past. But truth and justice require that they shall not evade the responsibilities of the present crisis. This question of proscription involves the consideration of the nature and character of the offence which is thus proposed to be punished. The Reconstruction Committee denounced it as a crime of unmitigated rebellion and treason. In all questions of criminality, the motives and purposes of the act fix its legal and moral character. The same act may be wilful and premeditated murder, or manslaughter, or excusable or justifiable homicide, according to the motive which shall appear to have actuated the party. Are not the persons proposed to be proscribed, and all who acted with them in the great war of secession entitled to be judged by the same elementary rule in the administration of justice? The question then is, were the people of the States which attempted secession, honest and sincere in their avowal of their belief in the right of secession and of the reasons for its exercise? By their public documents contemporaneous with their action, they put themselves on trial before the country and the world for the truth and sincerity of their avowals. "The wager of battle" decided against their right of secession. That question was thus finally settled: "banished to the realms of speculative abstractions." But in considering the question of damages, is there anything in mitigation? Was their act an unpardonable crime? or was it a pardonable mistake?

In addition to their public, solemn, contemporaneous declarations at the time of secession, and before and during the war, the Reconstruction Committee, after the close of the war, summoned before them Alexander H. Stevens, who had been Vice President of the Confederate States. They examined him on oath and report the following questions and answers:

Question. "In what particular did the people believe their constitutional liberties were assailed or endangered from the Union?"