

Report of the Committee. is this: has the Legislature the constitutional authority to ratify this proscription as a part of the Constitution of the United States?

The Legislature of Maryland is vested with all general power of legislation appropriate to free Republican Government.

But it is limited by the express or implied prohibitions of the Constitution of the State.

The seventeenth article of the Declaration of Rights declares "that retrospective laws punishing acts committed before the existence of such laws, 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 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 seventeen hundred and ninety-eight 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 compacts and on republican principles, must be determined by the nature of the powers upon 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 commit-