

infamy and the modern lenity of making the completion of imprisonment purge the offender as a pardon would, and also as complying with reformatory ideas, I would suggest the offender should, at a term of                      years from the completion of his detention, be enabled to recover his rights by a legal process—say a petition to a civil Court, shewing that his life, since he recovered his liberty, had been lawful and good, legally and morally, inviting proof to the contrary, and that his means of subsistence are ostensible and proper in all respects. I think it would be well he should be obliged to advertise his petition, which ought to be supported by affidavits; and if, on proclamation, to be made by order of the Court, in a convenient manner, no one opposed it, on making out his case he should have his judgment restoring his right; and if answered by any one, let issue be joined on his allegations, and judgment given on it according to the facts.

13th.—As the next proposal will give rise to some questions, I have resolved to answer them in advance, or rather to remove the ground for putting them, by a brief historical review of the branch of jurisprudence to which they refer.

In the remote origin of the Common Law, fine or imprisonment, or both, were, as they have continued to be, the punishment of misdemeanors; but to these, in cases of nefarious or of scandalous turpitude, were added infamy (indicated usually by the pillory, if not always), and corporal pain. But in the corruption of ages, judges holding office at the pleasure of the Crown applied these punishments to offences of a totally different and often of a political character, and applied to them punishments meant for such crimes as by the “meanness of spirit” (Blackstone’s word) they exhibited, or by some very low, vile kind of depravity, were a stain on manhood. This was the original cause of their infliction. They were thought unworthy a man, putting aside every idea of duty as a citizen. The greater refinement of modern ages, shocked at the *manner* of these punishments and long confounded by servile decisions as to their *principle*, sought their abolition, and adopted “hard labor” as their substitute; and thus the incertitude of the old punishment