

that when you shall have considered them again, the Transaction will appear to you in a very different Light from what it has hitherto done.

L. H. J.
Liber No. 46

It is true the first Act was a temporary one, and that when it was near expiring, it was continued by another temporary Act for three Years, and to the End of the next Session of Assembly which should happen after the End of the said three years; then comes the last Act mentioned by you, which revives and continues the first Act in full Force, without mentioning any Time for its Duration, and consequently make it perpetual. I believe the Difference between a perpetual and a temporary Law is, that there is no Time limited for the Duration, Operation, or Continuance of the former, and that therefore it must continue in force 'til it is repealed; that the latter having a fixed or limited Time for its Duration or Operation, it must certainly expire, when the Time so fixed and limited expires, or the End for which the Act was made is fully answered, unless it is continued by another Law. The Case then here is, that the third and last Act revived and continued the first in full Force, without fixing or limiting any Time for its Duration: This is plain and evident from the Words of it, which Enact, that it shall be revived and continued in full Force, without limiting any Time for its Continuance or Duration; and therefore I think that the Addition of any more or other Words would have been superfluous. I can't imagine that any Legislature can be supposed to be unacquainted with the Difference between a perpetual and a temporary Law; nor can it be doubted, if those, who made the Law under Consideration, had intended it should have been only temporary, but that they would have expressed such their Intention, when they might have very easily done it, and in few Words: And it is a dangerous Doctrine to set up Conjectures, or even the strongest Parol Proof of any Kind, that a Law was intended to be different from what it really appears to be by the Terms of it; as such Doctrine would introduce the greatest Confusion and Uncertainty in Laws, which ought to be expressed in the clearest manner as they are intended to be Rules for the Conduct of those for whom they are made.

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Besides this, if you consider an Act of Assembly that was made in the Year 1732 entituled, A supplementary Act to the Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof, which is a perpetual Law, and I presume has escaped the Notice of your House, or at least of those who penned your Address, you will find that the Legislative Power then did not think the Act of 1715 was expired, but on the contrary looked upon it to be, as it really is, a perpetual Law, referred to it in several Places, and aided some Defects in it. This last Act, if there was any Room to dispute (as I think there is not) whether the first Act was made perpetual by the Act of 1722, or was expired, would put an