

* other cases where the language of a legislative enactment is clear, explicit, and unambiguous, a Court of justice cannot depart from its sense as expressed; and if its directions cannot be executed in the manner prescribed, whether the defect proceed from a mistake, or the negligent inattention of the Legislature, no Court of justice can supply the deficiency. *Weale v. West Middlesex Water-Works Company*, 1 Jac. & Walk. 371. It has been said, that, in England, the Judges have often demanded what the law was, and how a statute should be expounded, of the Lords in Parliament. *Arth. Blackamore's Case*, 8 Co. 314; *The Earl of Shaftesbury's Case*, 1 Mod. 153. It is evident, however, that in those cases the Court has had it doubts removed and the ambiguity cleared away, not by any extrinsic evidence; but by the legislators themselves, responding either as a legislative body, or as the Supreme Court in the last resort. In the celebrated case concerning literary property, a question arose as to what was the common law before the passage of the statute for securing a copy-right to authors; 8 Anne, c. 19; and in casting about in every direction to ascertain that, it was argued, by several of the Judges, that the statute itself, as well as the proceedings of the Parliament by which it was enacted, afforded proof what was generally understood, at that time, to be the common law upon the subject. *Millar v. Taylor*, 4 Burr. 2305. **152**

But every species of evidence may be introduced to show what the common law is now, or has been at any time past; because that part of our Code is made up of reasonable principles and established usages, the existence of which, in the absence of express adjudications and records, can only be shewn in that way. *The King v. Pasimore*, 3 T. R. 245; 1 Blac. Com. 68. And, therefore, for that purpose, the Judges had recourse to the history of that Act, they adverted to the petition on which it was introduced into the House of Commons, as found on the journals of *that House; to the debates upon it and to the amendments **153** it had undergone; and to the language of the Act itself, as evidence of what was the then existing common law. But it is not said, nor can it be inferred from their arguments, that the Judges deemed it allowable to introduce all such matter as evidence, by which the true sense of that Act itself was to be ascertained, in relation to any case for which it had provided; on the contrary, one of the Judges, speaking to this point, after noticing, that it had been strongly contended by one of the counsel, that from the amendments in the committee of the House of Commons, and from the change of the title, that the Parliament meant to take

person shall not be invalidated by any thing contained therein, until the end of the session; provided that nothing therein contained should prevent or delay a suit or execution. 1794, ch. 45.