

private Acts had been passed by the Parliament of England, upon false suggestions, they were, upon that ground alone, vacated by the Court of Chancery on a bill filed by the party grieved. 5 *Cruise Dig. tit. 33, s. 51, 53; 2 Blac. Com. 346.*

It seems to be generally admitted, in England, that the rehearsal or recital of general and public facts and circumstances in a statute cannot be denied; such as the rehearsal in the Statute *de Donis* of what was the common law before the passing of that Act, *Co. Litt. 19*, or the recital in a statute, that great outrages had been committed in a certain part of the country; and that therefore the statute was \*passed. *Rex v. Sutton, 4 Ma. & Sel. 532.*

**230** Such statements of facts, of a public nature, upon which the Government had acted, must, for all such public purposes, be taken to be true. But then no particular fact can be assumed or declared by the Legislature to be true so far as to affect the rights of a person, or the title of an individual to any property. Not because it would be indecent or improper to question the motives or purity of the Legislative body, who must always be presumed to act rightly and to set forth the truth, until the contrary is clearly shewn; but because, in all such cases, it may, without any impeachment of their integrity, be presumed that they have been misled or misinformed. As where a statute recited, that a certain person had been attainted, when in truth such was not the fact, the party was not thereby concluded and prevented from shewing the truth. *The Earl of Leicester v. Heydon, 1 Plow. 398.* And so where the preamble of an Act of Parliament recited, that the plaintiff's father had not been married, yet he was allowed to prove that he had been married; and so to obtain a verdict, founded upon the fact of his legitimacy, in direct opposition to the recital in the Act of Parliament. *Bull. N. P. 112; Co. Litt. 360.* But the Parliament of England, on principles of State policy, not applicable to cases of a civil nature, have, in many instances, passed bills of attainder, by which facts have been assumed to be true, without the formality of proof, and individuals have been attainted, condemned to death, and their estates confiscated without even calling on them to answer. It cannot be denied, that

---

the party's own state of the case, this rule should not be extended further than the particular facts mentioned; but, I apprehend, it ought not to be presumed, that every thing is fully stated, and that all facts and circumstances are disclosed, that are necessary to give a perfect insight into the merits of the bill; for though the facts alleged may be true, yet other facts may be sunk, which may alter the case, and defeat the allegations of the bill; neither do I think it safe to argue from the analogy and reason of penal laws in the plantations, to a bill of this kind; because rules of state policy are no proper measure to adjust private property."—2 *Chalmer's Opin. Em. Lawyers*, 8, 10, 41; *Partridge v. Dorsey*, 3 H. & J. 307, note; *Owings v. Speed*. 5 *Wheat.* 420.