

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. (*f*) 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. (*g*) It is evident, however, that in those cases the court has had its 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; (*h*) 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 of what was generally understood, at that time, to be the common law upon the subject. (*i*)

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. (*j*) 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

application at the land office for a proclamation warrant to affect the land of John Hamilton, after a disclosure of the facts existing in the said case by the petition of the said John Hamilton preferred to this house—Yeas 61, nays 2. So it was resolved in the affirmative.

Immediately after which an act was passed, reciting that, whereas, it may happen that facts may be disclosed by petitions preferred to the General Assembly, of which advantage may be taken, to the injury of the party petitioning; therefore it was enacted, that whenever a petition shall be presented to the legislature by any person to confirm his title, the claim of such 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.

(*f*) *Weale v. West Middlesex Water-Works Company*, 1 Jac. & Walk. 371.—(*g*) *Arth. Blackmore's case*, 8 Co. 314; *The Earl of Shaftesbury's case*, 1 Mod. 153. (*h*) 8 Anne. c. 19.—(*i*) *Millar v. Taylor*, 4 Burr. 2305.—(*j*) *The King v. Pasmore*, 3 T. R. 245; 1 Blac. Com. 68.