

that house ; to the debates upon it and to the amendments 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 away, or to declare there was no property at the common law, says, 'that the sense and meaning of an act of Parliament must be collected from what it says when passed into a law, and not from the history of changes it underwent in the house where it took its rise. That history is not known to the other house, or to the sovereign.' (k) From which it clearly appears to have been his understanding, that it was improper to admit even the proceedings of either one of the branches of the legislature itself, as evidence of the true construction of a statute. And upon a more recent occasion, when the construction of a statute was drawn in question, the court looked into the proceedings of parliament in relation to the act, but declaring that it laid no stress upon them, grounded its decision upon previously adjudged cases. (l)

The act, under which *The Chesapeake and Ohio Canal Company* has become a body politic, originated with the legislature of Virginia, has been adopted and re-enacted by three other distinct legislative bodies, each one of which, composed of two or more branches, is entirely independent of all the others. These legislative bodies have thus manifested their concurrence and satisfaction in the sense expressed by the language of this law, when taken by itself, and without any other help than what may be derived from the nature of the subject of what it speaks. Surely then, if it would be at all unsafe to collect the sense of a law from the history of the changes it underwent in one branch of a legislative body ; because, that history might not be known to the other ; or because, the other might have had a different understanding of the matter, or been influenced by motives peculiar to itself, it would be wholly unjust, and improper to collect the sense of this act of incorpora-

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(k) *Millar v. Taylor*, 4 Burr. 23 32.—(l) *Mackintosh v. Townsend*, 16 Ves, 337.