

## I N T R O D U C T I O N.

THE editor in this place must be indulged with the freedom of the press. From the unreasonable length of an act, and the vast variety of its matter, the provisions frequently appear repugnant; and the best judges are puzzled to reconcile them. Where too the sense is involved in a multitude of words, and there is a total defect in the arrangement of the clauses, it sometimes happens, that an erroneous judgment is formed of one part from not recollecting, or sufficiently attending, to every other.

THE evils already noticed are not all that have originated from the loose manner of framing most of the laws since the revolution. In many instances the words are so foreign from what is now declared to have been the sense of the makers, the minds of men have been so often irritated and inflamed, and the convenient pretext of necessity has in consequence produced so many arbitrary opinions, that the genuine rules of construction, such as ought to prevail in all governments at all times, and in all circumstances; these salutary rules, in a great degree, seem forgotten; and if the latitude were admitted by the superior tribunals of justice, our liberties and rights would, in a short time, be rendered altogether precarious. Let the reader's own mind suggest the reflections which are proper on this occasion.

THE first great rule is, that a law be construed from its own words; but if these, taken altogether, be really doubtful, the construction nevertheless must not be repugnant to their plain and common acceptation. When the construction is made on what may vaguely be supposed the general spirit of a law, without words to support it, the rules which concern property, life and freedom, will vary, according to the different ideas of different judges.

THE editor hath had ample reason to complain of the inaccuracy of committees appointed to report on expiring laws. Sometimes a temporary act has been continued several years before the period limited for its duration has elapsed. Sometimes it is revived before it has expired. Sometimes it is suffered to expire, and afterwards revived; and not unfrequently a continuing act is continued instead of the principal. All these circumstances have added greatly to his labour in pursuing a temporary law from its date to the session of 1785.

IT is far from his wish to discredit the legislature. Wise, liberal, and honest men, will have no objection to profit from the suggestions of an inferior. A want of precision in the laws when we were pressed on every side and when there was a necessity for attempting many new expedients, was excusable. It is otherwise during a peace. Although the framing of laws that shall at once be concise, explicit, clear and comprehensive, be not so easy a task as is generally imagined, it is by no means impracticable to a legislature, from which gentlemen of the law are happily not excluded. If every important bill were deliberately penned, and if the press should furnish each member with a copy before its second reading, the expence and delay would be abundantly compensated by the superior accuracy and perspicuity of its language, and the superior efficacy and wisdom of its provisions.

If these few remarks be considered foreign to the editors duty, they can at least do no injury. But surely no general observations on the manner of framing laws, can be improper in an introduction to a collection of laws. They are such as suggested themselves long ago. If every general position, that by possibility admits of a particular application, were improper, there is scarcely a moral essay, or a sermon, that might not be denominated a libel.

FROM an impression that his remarks might conduce to an improvement in legislation, the editor has hazarded perhaps the good-will of men whom he esteems. He has, indeed, laid in a store of bitter regrets, if any thing he has said shall hereafter be considered as a monument of his malevolence.

HE cannot conclude, without offering his grateful acknowledgments for the liberality with which his labour has been requited, and particularly for the generous and manly exertions which were made in his favour. He is confident, that no government had ever an occasion to repent of a distribution of reasonable rewards; and he reprobates the sordid grovelling idea, that a servant of the people is to be represented as their enemy, for no other reason but because he participates of the public treasury.

A. C. HANSON.