Maxwell on The Interpretation of Statutes

Twelfth Edition by
P. St. J. Langan

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THE INTERPRETATION OF STATUTES

'Making innumerable Statutes, men
Merely confuse what God achieved in ten.'
—*Humbert Wolfe*

First Edition	By Sir PB Maxwell	(1875)
Second Edition	By Sir PB Maxwell	(1883)
ThirdEdition	By AB Kempe	(1896)
Fourth Edition	By JA Theobald	(1905)
Fifth Edition	By F Stroud	(1912)
Sixth Edition	By W Wyatt Paine	(1920)
Seventh Edition	By GFL Bridgman	(1929)
Eighth Edition	By Sir G Jackson	(1937)
Ninth Edition	By Sir G Jackson	(1946)
Tenth Edition	By G Granville Sharp,QC and Brian Galpin	(1953)
Second Impression		(1956)
Eleventh Edition	By Roy Wilson, QC and Brian Galpin	(1962)
Twelfth Edition	By P. St. J. Langan	(1969)
Second Impression		(1976)
Third Impression		(1980)
Fourth Impression		(1981)
Fifth Impression		(1985)
Sixth Impression		(1989)
Seventh Impression		(1992)
Eighth Impression		(1993)
Ninth Impression		(1997)
Tenth Impression		(1999)
Eleventh Impression		(2000)
Twelfth Impression		(2003)

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ON
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OF
STATUTES

TWELFTH EDITION

BY

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Maxwell on the Interpretation of Statutes, twelfth edn (ed P. St. J. Langan), LexisNexis (A division of Reed Elsevier Pvt Ltd), New Delhi, India.

ISBN 81–8038–019–X

Printed and bound in India by Gopsons Papers Ltd, A-14, Sector 60, Noida, UP 201301.

348.02
L269m
2003

PREFACE

Maxwell might well be sub-titled "the practitioners' armoury": it is, I trust, not taking too cynical a view of statutory interpretation in general, and this work in particular, to express the hope that counsel putting forward diverse interpretations of some statutory provision will each be able to find in *Maxwell* dicta and illustrations in support of his case. For this reason, this twelfth edition, like its predecessors, proceeds largely by way of examples.

Much of the content has changed since the last edition. I have eliminated all the classical allusions which have hitherto embellished *Maxwell*: Mahomed II's action in sawing the Venetian governor's body in two having promised to spare his head (11th ed., p. 17) is, alas, unlikely to move a court confronted with such productions of the modern draftsman as a Prices and Incomes Act. A great number of the old cases cited in previous editions have been excised, and replaced by modern decisions. Footnotes have been shortened. But the general scheme of the work remains the same, and so, with a few exceptions (*e.g.*, removing the rules on the commencement, repeal and revival of statutes from the end of the book to the first chapter), does the order in which matters are discussed.

In so far as some topics receive more or less treatment than in former editions, the change in emphasis—it is hoped—reflects the frequency with which they have been debated in modern cases. "Change of language," for instance, now has a section to itself, while the long discussion of "Modification of language to meet the intention" has been much abbreviated.

I have not included in the text any comments on the Law Commission's published working paper on statutory interpretation, nor have I made any proposals of my own for reform of the subject. Lest it be thought that I am without any views of the matter, I should say that I adhere to the view expressed by the late Lord Evershed in the Foreword to the last edition that "the length and detail of modern legislation has undoubtedly reinforced the claim of literal construction as the only safe rule."

My debt to *Maxwell*'s younger sisters, *Craies* and *Odgers*, will be

apparent throughout. I should like to express my great gratitude to Mr. A. P. G. Hughes, of Van Mildert College, Durham, who gave up several weeks of the Long Vacation of 1968 to the unwholesome task of checking references and preparing the annotations in the Appendix. I should also like to thank the staff of Sweet & Maxwell, Ltd., for all their assistance, especially in the preparation of the Tables of Statutes and Cases.

P. ST. J. LANGAN

September, 1968.

The law is stated as at
March 1, 1969

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