a short title by which it may be cited, *e.g.,* the Elementary Education Act, 1870. Sometimes a series of Acts is grouped under a generic title, *e.g.,* the Merchant Shipping Acts, 1854 to 1883.@@1 8 and 9 Vict. c. 113, § 3, makes

evidence the queen’s printers’ copies of private and local and personal Acts. A private Act not printed by the queen’s printers is proved by an examined copy of the parliament roll. A public Act binds all subjects of the realm, and need not be pleaded (except where the law from motives of policy specially provides for pleading certain Acts, as in the defences of not guilty by statute, the Statute of Frauds, and the Statute of Limitations). A private Act must generally be pleaded, and does not as a rule bind strangers to its provisions. Formerly an Act took effect from the first day of the session in which it was passed. The hardship caused by this technical rule has been obviated by 33 Geo. III. c. 13, by which an Act takes effect from the day on which it receives the royal assent, where no other date is named. This has been held to mean the beginning of the day, so as to govern all matters occurring on that day. An Act cannot in the strict theory of English law become obsolete by disuse. Nothing short of repeal can limit its operation. The law has, however, been interpreted in some recent cases with somewhat less rigour. In the case of a prosecution for blasphemy in 1883 (Reg. *v.* Ramsay) Lord Coleridge said, “though the principles of law remain unchanged, yet (and it is one of the advantages of the common law) their application is to be changed with the changing circum­stances of the times.”@@2 This would be applicable as much to the interpretation of statutes as to other parts of the common law. The title, preamble, and marginal notes are strictly no part of a statute, though they may at times aid in its interpretation.

Besides the fourfold division above mentioned, statutes are often classed according to their subject-matter, as perpetual and temporary, penal and beneficial, imperative and directory, enabling and disabling. Temporary Acts are those which expire at a date fixed in the Act itself. Thus the Army Act is passed annually and continues for a year; the Ballot Act, 1872, expired at the end of 1880, and the Regulation of Railways Act, 1873, at the end of five years. By means of these temporary Acts experimental legislation is rendered possible in many cases where the success of a new departure in legislation is doubtful. In every session an Expiring Laws Continuance Act is passed for the purpose of continuing (generally for a year) a con­siderable number of these temporary Acts. By 48 Geo. III. c. 106 a continuing Act is to take effect from the date of the expiration of a temporary Act, where a bill for continuing the temporary Act is in parliament, even though it be not actually passed before the date of the expiration.

Penal Acts are those which impose a new disability, beneficial those which confer a new favour. An imperative statute (often negative or prohibitory in its terms) makes a certain act or omission absolutely necessary, and sub­jects a contravention of its provisions to a penalty. A directory statute (generally affirmative in its terms) recommends a certain act or omission, but imposes no

penalty on non-observance of its provisions. To deter­mine whether an Act is imperative or directory the Act itself must be looked at, and many nice questions have arisen on the application of the rule of law to a particular case.

Enabling statutes are those which enlarge the common law, while disabling statutes restrict it. This division is to some extent coincident with that into beneficial and penal. Declaratory statutes, or those simply in affirmance of the common law, were at one period not uncommon, but they are now practically unknown. The Statute of Treasons of Edward III. is an example of such a statute. Statutes are sometimes passed in order to overrule specific decisions of the courts. Examples are the Factors Act, 1877, the Territorial Waters Jurisdiction Act, 1878, the Sale of Food and Drugs Act, 1879.

The construction or interpretation of statutes depends partly on the common law, partly on statute. The main rules of the common law, as gathered from the best authori­ties, are these. (1) Statutes are to be construed, not accord­ing to their mere letter, but according to the intent and object with which they were made. (2) The relation of the statute to the common law is to be considered. In the words of the resolution of the Court of Exchequer in Heydon’s Case, 3 *Coke’s Rep.,* 7, the points for considera­tion are—“1, What was the common law before the making of the Act ? 2, What was the mischief and defect

against which the common law did not provide ? 3, What

remedy the parliament hath resolved and appointed to cure the disease of the Commonwealth? 4, The true reason of the remedy.” (3) Beneficial or remedial statutes are to be liberally, penal more strictly, construed. (4) Other statutes *in pari materia* are to be taken into con­sideration. (5) A statute which treats of persons of inferior rank cannot by general words be extended to those of superior rank. (6) A statute does not bind the crown, unless it be named therein. (7) Where the pro­vision of a statute is general, everything necessary to make such provision effectual is implied. (8) A later statute repeals an earlier, as far as the two are repugnant, but, if they may stand together, repeal will not be pre­sumed. (9) There is a presumption against creation of new or ousting of existing jurisdictions, against impairing obligations, against retrospective effect, against violation of international law, against monopolies, and in general against what is inconvenient or unreasonable. (10) If a statute inflicts a penalty, the penalty implies a prohibition of the act or omission for which the penalty is imposed. Whether the remedy given by statute is the only one depends on the words of the particular Act. In some cases an action or an indictment will lie ; in others the statutory remedy, generally summary, takes the place of the common law remedy. In some few instances the courts have construed the imposition of a penalty as operating not to invalidate a contract but to create a tax upon non-compliance with the terms of the statute. What may be called the statutory rules of construction provide, *inter alia,* that any Act referring to England includes Wales and Berwick-upon-Tweed (20 Geo. II. c. 42), and that all words importing the masculine gender shall be taken to include females, and the singular to include the plural and the plural the singular (13 & 14 Vict. c. 21, § 4). The same Act further provides that, where any Act repealing in whole or in part any former Act is itself repealed, such last repeal shall not revive the Act or provisions before repealed unless words be added to that effect (§ 5), and that, wherever any Act shall be made repealing in whole or in part any former Act and substituting some provision or provisions instead of the provision or provisions repealed, such provision or pro-

@@@1 A short title has been occasionally given by retrospection to an Act which did not originally possess it. For instance, the Conveyanc­ing Act, 1881, enacts that the Act of 5 and 6 Will. IV. c. 62, the original title of which is of unwieldy length, may be cited for the future as the Statutory Declarations Act, 1835. In some cases the title has been changed. Thus the name of the Summary Procedure (Scotland) Act, 1864, was changed in 1881 to that of the Summary Jurisdiction Act, 1864.

@@@2 This opinion carries out to a certain extent the view of Locke, who in Article 79 of his Carolina Code recommended the determination of Acts of the legislature by effluxion of time after a hundred years from their enactment.