verſal rule, that regards the whole community; and of this the courts of law are bound to take notice judicially and *ex officio*; without the ſtatute being particularly pleaded, or formally ſet forth by the party who claims an advantage under it. Special or private acts are rather exceptions than rules, being thoſe which only operate upon particular perſons, and private concerns; ſuch as the Romans intitled *ſenatus-decreta*, in contradiſtinction to the *ſenatus-conſulta*, which regarded the whole community [d]: and of theſe the judges are not bound to take notice, unleſs they be formally ſhewn and pleaded. Thus, to ſhew the diſtinction, the ſtatute 13 Eliz. c. 10. to prevent ſpiritual perſons from making leaſes for longer terms than twenty one years, or three lives, is a public act; it being a rule preſcribed to the whole body of ſpiritual perſons in the nation: but an act, to enable the biſhop of Cheſter to make a leaſe to A. B. for ſixty years, is an exception to this rule; it concerns only the parties and the biſhop's ſucceſſors; and is therefore a private act.

STATUTES alſo are either *declaratory* of the common law, or *remedial* of ſome defects therein. Declaratory, where the old cuſtom of the kingdom is almoſt fallen into diſuſe, or become diſputable; in which caſe the parliament has thought proper, *in perpetuum rei teſtimonium*, and for avoiding all doubts and difficulties, to declare what the common law is and ever has been. Thus the ſtatute of treaſons, 25 Edw. III. cap. 2. doth not make any new ſpecies of treaſons; but only, for the benefit of the ſubject, declares and enumerates thoſe ſeveral kinds of offence, which before were treaſon at the common law. Remedial ſtatutes are thoſe which are made to ſupply ſuch defects, and abridge ſuch ſuperfluities, in the common law, as ariſe either from the general imperfection of all human laws, from change of time and circumſtances, from the miſtakes and unadviſed determinations of unlearned judges, or from any other cauſe whatſoever. And this being done, either by enlarging the common law where it was too narrow and circumſcribed, or by re-

[d] Gravin. *Orig.* 1. §. 24.

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