

inches, and if they had been collected by chance. The extent of the divergence of the items composing an average from the average itself may be accurately measured and expressed in percentages of the average, the algebraic signs + and - being employed to indicate the direction of the variation from the mean. An average may, therefore, advantageously be supplemented—(1) by a figure showing what proportion of the members from which it is derived differ from the average by a relatively small quantity, and (2) by figures showing the maximum and minimum deviations from the average. The meaning of the term "relatively small" must be considered independently in each investigation. Further remarks on averages will be found in the works mentioned at the conclusion of this article.

Prices.—Reference has already been made to the peculiar class of statistical quantities known as *prices*. Prices in their widest sense include all figures expressing *ratios of exchange*. In modern society the terms of exchange are always expressed in money, and the things for which money is exchanged are—(1) concrete entities with physical attributes, such as iron or wheat; (2) immediate rights, such as those given by interest-bearing securities of all kinds, by bills of exchange, by railway or steamship contracts to carry either passengers or goods, and by bargains relative to the foreign exchanges; (3) contingent rights, such as those implied in policies of insurance. All these rates of exchange belong to the same category, whether they are fixed within certain limits by law, as in the case of railway charges, or are left to be determined by the "higgling of the market." All these cases of price may conceivably come within the operation of the statistical method, but the only matter connected with price which it is necessary to refer to here is the theory of the *index number*.

Index Numbers.—The need for these became conspicuous during the investigations of Tooke, Newmarch, and others into the general cyclical movements of the prices of commodities; and to construct a good system of these may be said to be one of the highest technical aims of the statistical method. In comparing the prices of different years it was soon observed that, though whole groups of articles moved upwards or downwards simultaneously, they did not all move in the same proportion, and that there were nearly always cases in which isolated articles or groups of articles moved in the opposite direction to the majority of articles. The problem presented to statisticians therefore was and is to devise a statistical expression of the general movement of prices, in which all prices should be adequately represented. The first rough approximation to the desired result was attained by setting down the percentages representing the movements, with their proper algebraic signs before them, and adding them together algebraically. The total with its proper sign was then divided by the number of articles, and the quotient represented the movement in the prices of the whole body of articles during the period under consideration. It was soon seen, however, that this procedure was fatally defective, inasmuch as it treated all prices as of equal weight. Cotton weighed no more than pimento, and iron no more than umbrellas. Accordingly an improvement was made in the procedure, first by giving the prices of several different articles into which cotton, iron, and other important commodities entered, and only one price each in the case of the minor articles, and secondly by fixing on the price of some one article representing iron or cotton, and multiplying it by some number selected with the view of assigning to these articles their proper weights relatively to each other and to the rest. The objection to both these plans is the same,—that the numbers attached to the various articles or groups of articles are purely arbitrary; and of late years attempts have been made to obtain what may be called *natural index numbers*, the most successful so far being that of Mr Robert Giffen, whose index numbers are obtained from the declared values of the imports or exports into or from the United Kingdom of the articles whose prices are dealt with. In the case of both imports and exports Mr Giffen worked out the proportion borne by the value of each article to the total value for a series of years. Deducing the "unenumerated" articles, a series of numbers was thus obtained which could be used as the means of weighting the prices of the articles in an investigation of a movement of prices. This procedure is no doubt susceptible of further improvement, like its predecessors, but it is a great advance on the arbitrary systems of index numbers employed in them.

The Desirability of Increased Uniformity in Statistics.—One of the most serious difficulties in connexion with statistical investigations is the variety of the modes in which primaries of the same order are obtained, as regards dates and periods. This is a matter of which all persons who have occasion to use statistics are made painfully aware from time to time. Some attempts have lately been made to introduce more harmony into the official statistics of the United Kingdom, and some years ago a committee of the Treasury sat to inquire into the matter. The committee received a good deal of evidence, and presented a report, from which, however, certain members of the committee dissented, preferring to express their views separately. The evidence will be found very interesting by all who wish to obtain an insight into the genesis of the official statistics of the country. The report and evidence

were published in the June number of the *Journal of the Statistical Society* for 1881, as well as in the usual official form.

The International Institute of Statistics.—The absence of uniformity in statistics which is felt in England is not so marked in foreign countries, where the principle of centralization in arrangements of a political character is more powerful than it is here. In several Continental countries and in the United States there are statistical bureaux with definite duties to perform. In the United Kingdom, as already remarked, the nearest approach to a central statistical office is the Commercial and Statistical Department of the Board of Trade, on which the work of furnishing such statistics as are not definitely recognized as within the province of some other state department usually falls. Various attempts have been made to introduce more uniformity into the statistics of all countries. It was with this object that statistical congresses have met from time to time since 1853. An endeavour was made at the congress held in 1876 at Budapest to arrange for the publication of a system of international statistics, each statistical bureau undertaking a special branch of the subject. The experiment was, however, foredoomed to be only a very partial success, first because all countries were not then and are not yet furnished with central statistical offices, and secondly because the work which fell on the offices in existence could only be performed slowly, as the ordinary business of the offices necessarily left them little leisure for extra work. In 1885, at the jubilee of the London Statistical Society, a number of eminent statistical officials from all parts of the world except Germany were present, and the opportunity was taken to organize an International Institute of Statistics with a view to remedying the defects already ascertained to exist in the arrangements made by the congresses. The only obstacle to securing a proper representation of all countries was the absence of any German delegates, none of the official heads of the German statistical office being allowed to attend,—apparently on political grounds. Since then assurances of a satisfactory kind have been given to the German Government that their servants would be in no way committed to any course disapproved by that Government if they gave their assistance to the institute, from the formation of which it is hoped that much advantage may result. For information as to the constitution and objects of the institute reference may be made to a paper by Dr F. X. von Neumann-Spallart in vol. i. (1886) of the *Bulletin de l'Institut International de Statistique* (Rome, 1886).

Literature.—Maurice Block, *Traité Théorique et Pratique de Statistique*, Paris, 1878; Luigi Bodio, *Della Statistica nei suoi Rapporti coll'Economia Politica*, &c., Milan, 1869; Antonio Gabaglio, *Storia e Teoria Generale della Statistica*, Milan, 1880; Max Haushofer, *Lehr- u. Handbuch der Statistik*, 2d ed., Vienna, 1882; K. Kries, *Die Statistik als selbständige Wissenschaft*, Cassel, 1890; Georg Mayr, *Die Gesetzmässigkeit im Gesellschaftsleben*, Munich, 1871 (abridged translation in *Journ. Stat. Soc.*, Sept. 1883; the work has also been translated into Italian with valuable notes by G. B. Salvioni, Turin, 1886); Adolphe Quetelet, various works, but especially that entitled *Sur l'Homme et le Développement de ses Facultés, ou Essai de Physique Sociale*, 2 vols., Paris, 1835, and *Letters on the Theory of Probabilities*, already referred to; Albert C. F. Schäffle, *Bau und Leben des sozialen Körpers*, Tübingen, 1881; Herbert Spencer, *Principles of Sociology*, especially part ii. pp. 465 sq.; Adolf Wagner, article "Statistik" in Buntson-Brater's *Staatswörterbuch*, vol. x. (W. HO.)

STATIUS, PUBLIUS PAPINIUS, Roman poet, lived from about 45 to 96 A.D., so far as can be judged from indications afforded by his poems. He was, to a great extent, born and trained to the profession of a poet. The Statii were of Græco-Campanian origin, and were gentle, though impoverished, and the family records were not without political distinctions. The elder Statius, our poet's father, was the Orbilius of his time, and taught with distinguished success at Naples and Rome. From boyhood to age he proved himself a champion in the poetic tournaments which formed an important part of the amusements of the early empire. The younger Statius declares that his father was in his time equal to any literary task, whether in prose or verse. Probably our poet inherited a modest competence and was not under the necessity of begging his bread from wealthy patrons. So far as appears he never pursued any occupation but that of poet, as poor an occupation in those days as in ours, if we may believe Juvenal and Martial. Statius certainly wrote poems to order (as *Silvae*, i. 1, 2, ii. 7, and iii. 4), but there is no indication that the material return for them was important to him. In his seventh satire Juvenal speaks of the immense public enthusiasm which attended the recitation of the *Thebais*, when the benches "were breaking" with applause; but the poet, he says, might have starved had not Paris, the favourite comedian of the day, bought from him the libretto of a comic opera. This reference

of Juvenal deserves, however, as little to be accepted literally as his misleading allusions to Quintilian in the same satire. Of events in the life of Statius we know little. He married early a young widow, for whom he expresses tender affection in some of the few obviously sincere verses he ever wrote. From his boyhood he was victorious in poetic contests,—many times at his native city Naples, thrice at Alba, where he received the golden crown from the hand of the emperor. But at the great Capitoline competition (probably on its third celebration in 94 A.D.) Statius failed to win the coveted chaplet of oak leaves. No doubt the extraordinary popularity of his *Thebais* had led him to regard himself as the supreme poet of the age, and when he could not sustain this reputation in the face of rivals from all parts of the empire he accepted the judges' verdict as a sign that his day was past, and retired to Naples, the home of his ancestors and of his own young days. We still possess the poem he addressed to his wife on this occasion (*Silv.*, iii. 5). It was a hard task to overcome her objections to turning her back upon the great capital. Chief among them was that which arose from a fear lest it should prove difficult to find in Naples a husband for her daughter (by her first marriage; she had no children by Statius). There are hints in this poem which naturally lead to the surmise that Statius was suffering from a loss of the emperor's favour; he may have felt that a word from Domitian would have won for him the envied garland, and that the word ought to have been given. In the preface to book iv. of the *Silvae* there is mention of detractors who hated our poet's style, and these may have succeeded in inducing a new fashion in poetry at court. Such an eclipse, if it happened, must have cut Statius to the heart. He appears to have relished thoroughly the rôle of court-poet. The statement sometimes made that the elder Statius had been the emperor's teacher, and had bestowed many favours on him, so that the son inherited a debt of gratitude, seems to have no solid foundation. Statius lauds the emperor, not to discharge a debt, but rather to create an obligation. His flattery is as far removed from the gentle propitiatory tone of Quintilian as it is from the coarse and crawling humiliation of Martial. It is in the large extravagant style of a nature in itself healthy and generous, which has accepted the theme and left scruples behind. In one of his prefatory epistles Statius declares that he never allowed any work of his to go forth without invoking the godhead of the divine emperor. The poem on the equestrian statue of Domitian set up on the Capitol (*Silv.*, i. 1) is such colossal rodomontade that if the emperor had had a grain of humour in his composition he must have died of merriment on receiving it. Statius had taken the full measure of Domitian's gross taste, and carefully puts conscience and sincerity out of view, lest some uneasy twinge should mar his master's enjoyment. But in one poem, that in which the poet pays his due for an invitation to the imperial table, we have sincerity enough. Statius clearly feels all the raptures he expresses. He longs for the power of him who told the tale of Dido's banquet, and for the voice of him who sang the feast of Alcinous, that he may give forth utterance worthy of the lofty theme. The poet seemed, he says, to dine with great Jove himself and to receive nectar from Ganymede the cup-bearer (an odious reference to the imperial favourite Earinus). All his life hitherto has been barren and profitless. Now only has he begun to live in truth. "O ruler over all the lands, and mighty father of the world which thou hast conquered, do I, *recumbent*, see thee, thou hope of all mankind, and nursling of all the gods? Is it mine to gaze from near at hand on thy features, with the wine-cup and the feast

beside me, *while I am forbidden to rise?*" The palace struck on the poet's fancy like the very hall of heaven; nay, Jove himself marvels at its beauty, but is glad that the emperor should possess such an earthly habitation; he will thus feel less desire to seek his destined abode among the immortals in the skies. Yet even so gorgeous a palace is all too mean for his greatness and too small for his vast presence. "But it is himself, himself, that my eager eye has alone time to scan. He is like a resting Mars or Bacchus or Alcides." Martial too swore that, were Jove and Domitian both to invite him to dinner for the same day, he would prefer to dine with the greater potentate on the earth. Pliny, however, has sketched for us the state dinners of Domitian, where the coarse contempt of the tyrant overclouded the guests, and where a man who still respected himself had torments to endure. Martial and Statius were no doubt supreme among the imperial flatterers. Each was the other's only serious rival. It is therefore not surprising that neither should breathe the other's name. Even if we could by any stretch excuse the bearing of Statius towards Domitian, he could never be forgiven the poem entitled "The Hair of Flavius Earinus," Domitian's Ganymede (*Silv.*, iii. 4), a poem than which it would be hard to find a more repulsive example of real poetical talent defiled for personal ends. Well for Statius that he did not, like Martial, live on into the days of Nerva to write sorry palinodes! Everything points to the conclusion that he did not survive his emperor—that he died, in fact, a short time after leaving Rome to settle in Naples. Apart from the emperor and his minions, the friendships of Statius with men of high station seem to have been maintained on fairly equal terms. He was clearly the poet of society in his day as well as the poet of the court.

As poet, Statius unquestionably shines in many respects when compared with the other post-Augustans. He was born with exceptional talent, and his poetic expression is, with all its faults, richer on the whole and less forced, more buoyant and more felicitous, than is to be found elsewhere in the Silver Age of Latin poetry. Statius is at his best in his occasional verses, the "*Silvae*," which have a character of their own, and in their best parts a charm of their own. The title was proper to verses of rapid workmanship, on everyday themes. Statius prided himself on his powers of improvisation, and he seems to have been quite equal to the Horatian feat of dictating two hundred lines in an hour, while standing on one leg. The improvisatore was in high honour among the later Greeks, as Cicero's speech for the poet Archias indicates; and the poetic contests common in the early empire did much to stimulate ability of the kind. Statius speaks of his "*Silvae*" (preface to book i.) as having "streamed from him under the influence of sudden inspiration, and with a certain pleasure due to their rapidity." No one poem occupied more than two days; some came to birth at the dinner table; many while the poet's friend Pollius sat by his side, and shuddered at the audacity of his pen (preface to book iii.). It is to this velocity that the poems owe their comparative freshness and freedom, along with their loose texture and their inequality. There are thirty-two poems, divided into five books, each with a dedicatory epistle. Of nearly four thousand lines which the books contain, more than five-sixths are hexameters. Four of the pieces (containing about 450 lines) are written in the hendecasyllabic metre, the "tiny metre of Catullus," and there is one Alcaic and one Sapphic ode. But the poems in these metres are merely the experiments of a poet who knows well that his strength lies in the hexameter, which in his hands shows greater freedom, variety, and music than it exhibits when handled by other poets of the Silver Latin Age. The subjects of the "*Silvae*" are very various. Five poems are devoted to flattery of the emperor and his favourites; but of these enough has already been said. Six are lamentations for deaths, or consolations to survivors. Statius seems to have felt a special pride in this class of his productions; and certainly, notwithstanding the excessive and conventional employment of pretty mythological pictures, with other affectations, he sounds notes of pathos such as only come from the true poet. There are oftentimes traits of an almost modern domesticity in these verses, and Statius, the childless, has here and there touched on the charm of childhood in lines for a parallel to which, among the ancients, we must go, strange to say, to his rival Martial. One of the *epicedia*, that on Priscilla the wife of Abascantus, Domitian's freedman (*Silv.*, v. 1), is full of interest for the picture it presents of the official activity of a high

officer of state. Another group of the "Silvae" give picturesque descriptions of the villas and gardens of the poet's friends. In these we have a more vivid representation than elsewhere of the surroundings amid which the grandees of the early empire lived when they took up their abode in the country. It was of these pieces that Niebuhr thought when he said that the poems of Statius are charming to read in Italy. They exhibit, better even than Pliny's well-known letters, the passion of the rich Roman for so constructing his country house that light, air, sun, and leafage should subserve his luxury to the utmost, while scope was left for displaying all the resources of art which his wealth enabled him to command. As to the rest of the "Silvae," the congratulatory addresses to friends are graceful but commonplace, nor do the jocosse pieces call for special mention here. In the "Kalendae Decembres" we have a striking description of the gifts and amusements provided by the emperor for the Roman population on the occasion of the Saturnalia. In his attempt at an epithalamium (*Silv.*, i. 2) Statius is forced and unhappy. But the birthday ode in Lucan's honour (*Silv.*, ii. 7) has, along with the accustomed exaggeration, many powerful lines, and shows high appreciation of preceding Latin poets. Some phrases, such as "the untaught muse of high-souled Ennius" and "the lofty passion of sage Lucretius," are familiar words with all scholars. The ode ends with a great picture of Lucan's spirit rising after death on wings of fame to regions whither only powerful souls can ascend, scornfully surveying earth and smiling at the tomb, or reclining in Elysium and singing a noble strain to the Pompeys and the Catos and all the "Pharsalian host," or with proud tread exploring Tartarus and listening to the wailings of the guilty, and gazing at Nero, pale with agony as his mother's avenging torch glitters before his eyes. It is singular to observe how thoroughly Nero had been struck out of the imperial succession as recognized at court, so that the "bald Nero" took no umbrage when his flatterer-in-chief profanely dealt with his predecessor's name.

The epic poems of Statius are less interesting because cast in a common mould, but they deserve study in many respects. They are the product of long elaboration. The "Thebais," which the poet says took twelve years to compose, is in twelve books, and has for its theme the old "tale of Thebes"—the deadly strife of the Theban brothers. There is also preserved a fragment of an "Achilleis," consisting of one book and part of another. In the weary length of these epics there are many flowers of pathos and many little finished gem-pictures, but the trammels of tradition, the fashionable taste, and the narrow bars of education check continually the poet's flight. The public idea of what an epic poem should be was firmly fixed, and Statius would not have towered above the thousand poets of his day in the estimation of his countrymen had he not given full embodiment to the idea. Not merely were the materials for his epics prescribed to him by rigid custom, but also to a great extent the method by which they were to be treated. All he could do was to sound the old notes with a distinctive timbre of his own. The gods must needs wage their wonted epic strife, and the men, their puppets, must dance at their nod; there must needs be heavenly messengers, portents, dreams, miracles, single combats, similes, Homeric and Virgilian echoes, and all the other paraphernalia of the conventional epic. But Statius treats his subjects with a boldness and freedom which contrast pleasingly with the timid traditionalism of Silius Italicus and the stiff scholasticism of Valerius Flaccus. The vocabulary of Statius is conspicuously rich, and he shows audacity, often successful, in the use of words and metaphors. At the same time he carried certain literary tricks to an aggravating pitch, in particular the excessive use of alliteration, and the misuse of mythological allusion. The most well-known persons and places are described by epithets or periphrases derived from some very remote connexion with mythology, so that many passages are as dark as Heraclitus. The *Thebais* is badly constructed. The action of the epic is hindered and stopped by enormous episodes, one of which fills one sixth of the poem. Nor had Statius a firm grasp or clear imagination of character. So trying are the late ancient epics to a modern reader that he who has read any one of the three—Statius, Silius, and Valerius (Lucan stands apart)—will with difficulty be persuaded to enter on the other two. Yet, if he honestly reads them all, he can hardly fail to rank Statius the highest of the three by a whole sphere.

The *editio princeps* of the epics is dated 1470, of the *Silvae* 1472. Notable editions since have been those of Bernartius (Antwerp, 1595), Gronovius (1653), and Barth (1664). The best text is the Teubner (the *Achilleis* and *Thebais* by Kohlmann, the *Silvae* by Buchrens). Among editions of portions of Statius's works, that of the *Silvae* by Jeremiah Markland, fellow of Peterhouse in Cambridge (1728), deserves special attention. The brilliance and erudition of the work mark him out as one of the best Latin scholars who ever lived. A critical edition of the *Thebais* and *Achilleis* was begun by O. Müller (1870) but not completed. The condition of the text of the *Silvae* is one of the most curious facts in the history of ancient literature. Poggio discovered a MS. at St Gall and brought it into Italy. This MS. has disappeared, but from it are derived all our existing MSS., except one of the birthday ode to Lucan, now at Florence, and of the 10th century. Politian collated Poggio's MS. with the *editio princeps*, and the collation has come down to us, and is the principal basis of the text. The MSS. of the epics are numerous, as was to be expected from their great popularity in the Middle Ages, to which Dante is witness (see *Purg.*, xxi., where an interview with the shade of Statius is described at some length). (J. S. R.)

STATUTE, or Act of Parliament, is a law made by the sovereign power in the state, that is, the king, by and with the advice and consent of the lords spiritual and temporal and commons in parliament assembled. It forms a part of the *lex scripta*, or written law, which by English legal authorities is used solely for statutory law, a sense much narrower than it bore in Roman law. To make a statute the concurrence of the crown and the three estates of the realm is necessary. Thus a so-called statute of 5 Ric. II. c. 5, directed against the Lollards, was afterwards repudiated by the Commons as passed without their assent. The validity of a statute was indeed at times claimed for ordinances such as that just mentioned, not framed in accordance with constitutional rule, and was actually given to royal proclamations by 31 Hen. VIII. c. 8. But this Act was repealed by 1 Edw. VI. c. 12, and since that time nothing but a statute has possessed the force of a statute, unless indeed certain rules or orders depending ultimately for their sanction upon a statute may be said to have such force. Examples of what may be called indirect legislation of this kind are orders in council (see PRIVY COUNCIL), by-laws made under the powers of the Public Health Act, and rules of court such as those made under the powers of the Judicature Acts and Acts of Sederunt of the Court of Session.

The history of statutory legislation and the modern procedure by which bills become statutes are sufficiently treated under ACT OF PARLIAMENT and PARLIAMENT. It is proposed in this place to deal with the legal rather than the political aspect of the subject, and to give a short list of some of the more important statutes which have been passed by the legislature.

The list of statutes as at present existing begins with the Statute of Merton, 1235.¹ Many of the earlier statutes are known by the names of the places at which they were passed, e.g., the Statutes of Merton, Marlbridge, Gloucester, Westminster or by their initial words, e.g., *Quia Emptores*, *Circumspecte agatis*. The earliest existing statute roll is 6 Edw. I. (the Statute of Gloucester). After 4 Hen. VII. the statute roll ceased to be made up, and enrolments in Chancery (first made in 1485) take its place. Some of the Acts prior to the Statute of Gloucester are of questionable authority, but have gained recognition by a kind of prescription.

All statutes were originally public, irrespectively of their subject matter. The division into public and private dates from the reign of Richard III. At present statutes are of four kinds—public general Acts, public local and personal Acts, private Acts printed by the queen's printers, and private Acts not so printed. The division into public general and public local and personal rests upon a resolution of both Houses of Parliament in 1798. In 1815 a resolution was passed in accordance with which private Acts are printed, with the exception of name, estate, naturalization, and divorce Acts. The last two are now practically superseded by the provisions of the Divorce Act, 1857, and the Naturalization Act, 1870. Since 1815 it has been usual to refer to public general Acts by Arabic numerals, e.g., 5 and 6 Vict. c. 21, public local and personal Acts by small Roman numerals, e.g., 5 and 6 Vict. c. xxi. Each Act is strictly but a chapter of the legislation of the session, which is regarded as composing a single Act divided into chapters for convenience, the chapters themselves being also called Acts. The citation of previous Acts is provided for by 13 and 14 Vict. c. 21, § 3. It is now usual for each chapter or Act to contain

¹ Ruffhead's edition of the statutes begins with the Magna Carta of 1225. But in the *Revised Statutes* that form of Magna Carta which is now law appears as a statute of the year 1297. It is often known as *Confirmatio Cartarum*, and is a recital and confirmation of Edward I. of the chief provisions of John's charter.

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

¹ A short title has been occasionally given by retrospectio 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.

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-

visions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last Act (§ 6). Numerous interpretations of particular words are contained in Acts of Parliament, either general, as "month," "county," "land," and other words in 13 and 14 Vict. c. 21, § 4, or for the purposes of the Act, as "settlement" for the purposes of the Settled Land Act, 1882.

The earlier Acts are generally simple in character and language, and comparatively few in number. At present the number passed every session is enormous; in the session of 1885 it was 80 general and 190 local and personal Acts. Without going as far as to concede with an eminent legal authority that of such legislation three-fourths is unnecessary and the other fourth mischievous, it may be admitted that the immense library of the statutes would be but a trackless desert without trustworthy guides. Revision of the statutes was evidently regarded by the legislature as desirable as early as 1563 (see the preamble to 5 Eliz. c. 4). It was demanded by a petition of the Commons in 1610. Both Coke and Bacon were employed for some time on a commission for revision. At times Consolidation Acts in the nature of digests of law (generally amending as well as consolidating) were passed, such as the Merchant Shipping Act, 1854, and the Criminal Law Consolidation Acts of 1861. The most important action, however, was the nomination of a revision committee by Lord Chancellor Cairns in 1868, the practical result of which has been the issue of an edition of the *Revised Statutes* in eighteen volumes, bringing the revision of statute law down to 1878. This edition is of course subject to the disadvantage that it becomes less accurate every year as new legislation appears. An index to the statutes which are still law is published about every three years by the Council of Law Reporting.

The principal statutes may be classified under various heads according to the matter with which they deal. It should be remembered at the same time that many of them—*Magna Carta*, for example—might fall with equal correctness under more than one head. A division, convenient, if not exhaustive, would be into historical, constitutional, legal, and social.

Historical.—Under this head would come those Acts which to a greater or less extent mark important epochs in the national history, such as the Statute of Rhuddlan, the Acts of Union defining the relations of Wales, Scotland, and Ireland to England, the Act of Settlement, the Stamp Act of 1765—the proximate cause of the revolt of the American colonies,—the Acts abolishing the slave trade and the corn laws, and those defining the position of dependencies, such as the Act for the Better Government of India, 1858, and the British North America Act, 1867.

Constitutional.—The principal Acts of this class would be *Magna Carta*, the statutes *De Tallagio non Concedendo* and *De Prærogativa Regis* and those dealing with mortmain and treason, the Petition of Right, the Bill of Rights, the Septennial Act, the Royal Marriage Act, the Mutiny, Militia, Naval Discipline, and Foreign Enlistment Acts, and the Acts affecting the parliamentary franchise from the time of Henry VI. to the Redistribution of Seats Act, 1885. Under this head too might be placed the numerous Acts dealing with the question of religion. Some of the more interesting of these are the *Articuli Cleri*, the Statutes of Provisors, the Acts of Henry VIII. abolishing monasteries, the Acts of Supremacy and Uniformity of Henry VIII., Elizabeth, and Charles II., the Toleration, Catholic Emancipation, Tithe Commutation, Church Discipline, Public Worship Regulation, Irish Church, and Scottish Patronage Abolition Acts.

Legal.—The most important of this class are perhaps

the Statutes of *Quia Emptores* and *De Donis*, the Statutes of Uses and of Wills, the Statutes of Limitation, the Statute of Frauds and its amendments, the Fines and Recoveries Act, the Conveyancing, Settled Land and Settled Estates, and Married Women's Property Acts, and the Acts for the amendment of procedure, e.g., the Chancery Amendment, Common Law Procedure, Judicature, and Appellate Jurisdiction Acts.

Social.—Social legislation (other than mere sumptuary laws) is of comparatively modern introduction. Among earlier instances are the Statute of Labourers of Edward III. and the Poor Law of Elizabeth. More modern examples are the Factory, Public Health, and Artisans' Dwellings Act, and, perhaps greatest of all, the Education Acts. Besides these there are the Acts dealing with patent, copyright, summary jurisdiction, friendly and building societies, trades unions, savings banks, theatres, commons preservation, and agricultural holdings. Acts which have trade for their special object are the Bank Charter, Merchant Shipping, Bills of Lading, Bills of Exchange, Crossed Cheques, Factors, Stamp, Licensing, Bankruptcy, and Trade Marks Acts.

The chief editions of the statutes are the *Statutes of the Realm* printed by the queen's printers, Ruffhead's, and the fine edition issued from 1810 to 1824 in pursuance of an address from the House of Commons to George III. The safest authority is of course the *Revised Statutes*. Chitty's collection of statutes of practical utility is a useful compilation. Among the earlier works on statute law may be mentioned the readings on statutes by great lawyers, such as the second volume of Coke's *Institutes*, Bacon's *Reading on the Statute of Uses*, Barrington's *Observations on the more Ancient Statutes from Magna Carta to the 21 Jac. I. c. 27* (5th ed. 1796), and the Introduction to Blackstone's *Commentaries*. Among the later works are the treatises of Dwaris (2d ed. 1848) and Sir P. B. Maxwell (2d ed. 1883) on the interpretation of statutes, and Sir H. Thring's *Practical Legislation, or the Composition and Language of Acts of Parliament*.

Scotland.—The statutes of the Scottish parliament before the Union differed from the English statutes in two important respects,—they were passed by the estates of the kingdom sitting together and not in separate Houses, and from 1367 to 1690 they were discussed only after preliminary consideration by the Lords of Articles. An Act of the Scottish parliament may in certain cases cease to be binding by desuetude. "To bring an Act of Parliament like those we are dealing with" (i.e., the Sabbath Profanation Acts) "into what is called in Scotch law the condition of desuetude, it must be shown that the offence prohibited is not only practised without being checked, but is no longer considered or dealt with in this country as an offence against law" (Lord Justice General Inglis in *Bute's Case*, 1 *Couper's Rep.* 495). Acts of the imperial parliament passed since the Union extend in general to Scotland, unless that country be excluded from their operation by express terms or necessary implication.

Ireland.—Originally the lord deputy appears to have held parliaments at his option, and their Acts were the only statutory law which applied to Ireland, except as far as judicial decisions had from motives of policy extended to that country the obligation of English statutes. In 1495 the Act of the Irish parliament known as Poyning's Law or the Statute of Drogheda enacted that all statutes lately made in England be deemed good and effectual in Ireland. This was construed to mean that all statutes made in England prior to the 18 Hen. VII. were valid in Ireland, but none of later date were to have any operation unless Ireland were specially named therein or unless adopted by the Irish parliament (as was done, for instance, by Yelverton's Act, 21 and 22 Geo. III. c. 48, i.). Another article of Poyning's Law secured an initiative of legislation to the English privy council, the Irish parliament having simply a power of acceptance or rejection of proposed legislation. The power of the parliament of Great Britain to make laws to bind the people of Ireland was declared by 6 Geo. I. c. 5. This Act and the article of Poyning's Law were repealed in 1782, and the short-lived independence of the parliament of Ireland was recognized by 23 Geo. III. c. 28. The application of Acts passed since the Union is the same as in the case of Scotland.

Colonies and Dependencies.—Acts of the imperial parliament do not extend to the Isle of Man, the Channel Islands, or the colonies, unless they are specially named therein. By 28 and 29 Vict. c. 63 any colonial law repugnant to the provisions of any Act of Parliament extending to the colony is void to the extent of such repugnancy, and no colonial law is to be void by repugnancy to the law of England unless it be repugnant to such an Act of Parliament. For colonies without representative legislatures the crown usually legislates, subject to the consent of parliament in particular cases. For instance, it was the opinion of the judicial committee of the privy council in 1876 that a cession of British territory in India to a native state would probably need the concurrence of the imperial parliament (*Damodhar Gordhan v. Deoram Kanji*, *Law Rep.*, 1 *Appeal Cases*, 332).

United States.—By the constitutions of many States English statute law, as it existed at the time of the separation from England, and as far as it is applicable, has been adopted as part of the law of the States. The United States and the State are not bound by an Act of Congress or a State law unless specially named. The States legislate for themselves within the limits of their own constitution and that of the United States. Here appears the striking difference between the binding force of a statute of the United Kingdom and an Act passed by congress or a State legislature. In the United Kingdom parliament is supreme; in the United States an Act is only of authority if it is in accordance with the constitution. The courts may declare an Act void if it contravenes the constitution of the United States or of a State, so that practically the Supreme Court of the United States is the ultimate legislative authority. Examples of recent cases where the constitutionality of an Act has been contested will be found under PAYMENT and PRIVILEGE. The restrictions upon legislation contained in the constitution of the United States provide against the suspension of the writ of habeas corpus, except in case of rebellion or invasion, the passing of a bill of attainder or *ex post facto* law, the imposition of capitation or other direct tax, unless in accordance with a previous article of the constitution, or of a tax or duty on exports, the preference of the ports of one State over those of another, the drawing of money from the treasury except by appropriations made by law, and the grant of a title of nobility. The amended constitution contains further limitations, e.g., the taking of private property for public use without just compensation, and the abridging of the right of citizens on account of race, colour, or previous condition of servitude. State legislation is limited by § 10:—"No State shall . . . make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility." The section further forbids imposition of duties on imports or exports or any duty of tonnage without consent of congress. State constitutions often contain further restrictions; among the more usual are provisions against laws with a retrospective operation, or impairing the obligation of contracts, or dealing with more than one subject to be expressed in the title. The time when a statute is to take effect after its passing is often fixed by State constitutions. The statutes of the United States were revised under the powers of an Act of Congress passed in 1874 (sess. i. c. 333), and the volume of *Revised Statutes* (frequently amended since) was issued on February 22, 1875. Many of the States have also issued revised editions of their statutes. The rules of construction are in general agreement with those adopted in England. See Sedgwick, *Statutory Law*.

International Law.—The term statute is used by international jurists and civilians to denote the whole body of the municipal law of the state. In this sense statutes are either real, personal, or mixed. A real statute is that part of the law which deals directly with property, whether movable or immovable. A personal statute has for its object a person, and deals with questions of status, such as marriage, legitimacy, or infancy. A mixed statute affects both property and person, or, according to some authorities, it deals with acts and obligations. Personal statutes are of universal validity; real statutes have no extra-territorial authority. The determination of the class under which a particular law ought to fall is one of great difficulty, and one in which there is often a conflict of legal opinion. On the whole the division appears to have created more difficulties than it has solved, and it is rejected by Savigny as unsatisfactory. See Story, *Conflict of Laws*, §§ 12-16; Phillimore, *International Law*, vol. iv. ch. xvi. (J. Wt.)

STATUTE MERCHANT AND STATUTE STAPLE were two old forms of security, long obsolete in practice, though references to them still occur in some modern statutes. They were originally permitted only among traders, for the benefit of commerce, but afterwards extended by 23 Hen. VIII. c. 6 to all subjects, whether traders or not. The creditor under either form of security was allowed to seize the goods and hold the lands of a

defaulting debtor until satisfaction of his debt. While he held the lands he was termed tenant by statute merchant or by statute staple. In addition to the loss of his goods and lands the debtor was liable to be imprisoned.

STAUNTON, a city of the United States, the county-seat of Augusta county, Virginia, lies at the foot of the Blue Ridge Mountains, on the Lewis Creek (a tributary of the Shenandoah), 136 miles west-north-west of Richmond. It is the seat of the State lunatic asylum and of the State institution for the deaf and dumb and blind, and has besides an unusual number of important educational establishments. Iron-works, planing-mills, and flour-mills represent the manufacturing interest. The population was 5120 in 1870 and 6664 in 1880.

STAUNTON, HOWARD (1810-1874), Shakespearean scholar and writer on chess, was born about 1810. He was educated at Eton and Oxford, but left the university without taking a degree and settled in London, devoting much of his attention to the study of the English dramatists of the Elizabethan age. In conjunction with this he also took a great interest in the stage, and as an amateur once played Lorenzo to the Shylock of Edmund Kean. Between 1857 and 1860 he edited in monthly parts an edition of Shakespeare published by Routledge, which has been several times reissued, and must be ranked as superior, as regards both text and notes, to any previously published. His skill as a Shakespearean commentator, combining in a remarkable degree the acuteness and caution which qualified him to excel in chess, and disciplined to rare perfection by a thorough mastery of the literature of the period, is still more strikingly shown in his papers in the *Athenæum* on "Unsuspected Corruptions of Shakespeare's Text," commenced in October 1872. These formed part of the materials intended to be made use of in an improved edition of Shakespeare's works which he proposed to prepare, but which for a variety of reasons was never published. In 1864 he published a facsimile of the Shakespeare folio of 1623, and a finely illustrated work entitled *Memorials of Shakespeare*. He was also the author of the *Great Schools of England*,—an *Account of the Foundation, Endowments, and Discipline of the Chief Seminaries of Learning in England*, 1865. An account of his career as a chess-player, and a notice of his chief publications on the game, will be found under the heading CHESS (vol. v. pp. 601, 603). He died in London 22d June 1874.

STAVANGER, a seaport town of Norway, the administrative centre of an "amt" of the same name (population 114,164 in 1876), is situated on the west coast, on the south side of a beautiful fjord, about 127 miles north-west of Christiansand. A railway to connect Stavanger with Christiania has been planned, but as yet only the terminal portions have been constructed, the Stavanger portion, which runs south to Ekersund for 47 miles, being opened in 1878. The town is for the most part a collection of narrow and irregular streets, but signs of the wealth acquired by its shipping trade and herring fishery appear in the well-built stone houses erected since the great fire of 1860. In 1884 314 vessels (70,006 tons) entered the harbour and 267 (57,479 tons) cleared. Though the bishop's see was removed from Stavanger to Christiansand in 1685, the old cathedral of St Swithun's, founded by the English bishop Reinald in the end of the 11th century, and rebuilt after being burned down in 1272, still remains, and, next to the cathedral of Trondhjem, is the most interesting piece of Gothic architecture in Norway. The old episcopal palace of Kongsgaard is now a Latin school. The communal hospital is an important institution. The town dates from the 8th or 9th century and became the seat of a bishopric in the 13th. In 1801 the population of