

a nature as that relief could obviously be had in the ordinary courts of justice, parliament has refused to interfere, and left the parties to apply to the regular tribunals. But where the petitioner could have no relief, without a special enactment in that particular case, or without a general law comprehending it, then the individual application has been considered, and such a private or public act has been passed as seemed most proper; and, in some instances, a private clause has been inserted in a public statute to suit the particular case, so that the statute has been, in fact, both public and private in its several provisions. It appears, too, that the fees for obtaining relief in this way, in England, are taxed like the costs of a suit in the ordinary courts of justice. (s)

A private act of parliament, although strictly and literally followed, as regards the authority and jurisdiction conferred, (t) is in many respects considered and construed as a mere legal conveyance, in general, binding only on those who are parties to it; that is, those who petition for it, or are named in the act itself, and those claiming under them. (u) It is never permitted to affect the

(s) *Spelman v. Woodbine*, 1 Cox, 49; *Wheeler Ex parte*, 3 Ves. and Bea. 21; *Holmes v. Higgins*, 8 Com. Law Rep. 27; *Dwarris on Statutes*, 628.

The evils of this private legislation, it is said, in an able English Review, consists in the impossibility of giving proper attention to more business of the sort, which is already too abundant, and distracts the attention of legislators from the larger and more universal matters of state to the smaller and particular affairs of districts; a vice, in a national assembly, of which few can conceive the magnitude, who are not aware of the universal force of gravitation towards self, and one's own kin and fellows, which, in the most intelligent, will often sacrifice to a class the good of the community. What would not be given to bribery in other forms, is given in this. The bad legislator wins the hearts of his constituents, by attending to their private and local affairs; at least this is always found, in commercial communities, to be an effectual compensation for the want of statesmanship. The justice and propriety of throwing the expense upon individuals desirous of obtaining particular advantages by means of acts of parliament, can only be judged of, by ascertaining whether a distinction is always made between a personal and a general object. But it is more than to be suspected, that the reference to the legislature at all, on many matters, results from the deficiency of other institutions; and therefore, whether the objects be individual or national, there is a wrong done by continuing the system. The probability is, that in one shape or other, in the greater cost of the object, or in the lack of its more expensive use, the nation pays first or last. An instance is mentioned of a case where a bill was withdrawn, on account of the cost arising from these fees; and the writer knows another instance, where the public bodies and inhabitants of a town were deterred by the same reason. From all of which it is to be inferred, that there are other instances of the same kind. In all of which the legislature commits a wrong.—*Westminster Review*, January, 1834, No. 39, page 33.

(t) *Ex parte*, King 2, Bro. C. C. 158; *Ex parte*, Bolton School, 2 Bro. C. C. 662, 2 Mad. Chan. 719.—(u) The case of the Chancellor of Oxford, 10 Co. 57; *Hesketh*