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## *WAIVING THE BENEFIT OF STATUTES.*

Quilibet potest renunciare juri pro se introducto is a well recognized maxim of the law, and there are many cases in which it has been held to enable a party to waive the benefit of statutory enactments intended for his protection. The benefit of Statutes of Limitations it is well known may be waived by a defendant, and though a statute says "no action shall be brought" after a specified time, it is perfectly plain that a defendant may neglect, or refuse to set up the defence that an action is not brought within the prescribed time, and that the Court will not in such a case regard the statute as any obstacle to the plaintiff succeeding. So also a defendant may waive the benefits of the provisions of the Statute of Frauds, though that statute also says "no action shall be brought" in certain cases. He may also waive the provisions of the Bills of Exchange Act requiring notice of protest. But in order that a person may waive the benefit of any statutory provision, its application to the particular case must be of such a character as to be intended merely for his own benefit and protection; if the statutory provision is intended not only for his protection, but also that of others, or is a matter in which the public have interest, he cannot waive it. For this reason a testator cannot dispense with the provisions of the Wills Act in regard to the execution of wills, because such provisions are not made merely for the benefit of testators only, but also for the protection of their heirs and next of kin.

There are some statutes passed for the protection of a particular class of people; for instance, the Workmen's Compensation Act for the benefit of workmen, or the Fatal Accidents Act, for the benefit of the representatives of persons killed in duels or through the negligence of others, in which the question has arisen how far contracts can be validly made to waive the benefit of their provisions. The possibility of such contracts being made