WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
SENATE BILL NO. 48

(By Mr. [Signature]

PASSED March 30, 1973

In Effect [Signature] Passage
AN ACT to amend and reenact section ten, article two, chapter two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, providing rules to be observed in the construction and interpretation of statutes.

Be it enacted by the Legislature of West Virginia:

That section ten, article two, chapter two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. LEGAL HOLIDAYS; CONSTRUCTION OF STATUTES; DEFINITIONS.

§2-2-10. Rules for construction of statutes.
1 The following rules shall be observed in the construction of statutes, unless a different intent on the part of the Legislature be apparent from the context:

4 (a) A word importing the singular number only may be applied to several persons or things, as well as to one person or thing; a word importing the plural number only may be applied to one person or thing as well as to several; and a word importing the masculine gender only may be applied to females as well as males;

10 (b) Words purporting to give a joint authority to three
or more persons confer such authority upon a majority of them, and not upon any less number;

(c) The words "written" or "in writing" include any representation of words, letters or figures, whether by printing, engraving, writing or otherwise. But when the signature of any person is required, it must be in his own proper handwriting, or his mark, attested, proved or acknowledged;

(d) The words "preceding," "succeeding" or "following" used in reference to any section or sections of a chapter or statute, mean next preceding, next succeeding or next following that in which such reference is made, unless a different interpretation be required by the context;

(e) An officer shall be deemed to have qualified when he has done all that the law required him to do before he proceeds to exercise the authority and discharge the duties of his office;

(f) The words "the governor" are equivalent to "the executive of the state" or "the person having the executive power";

(g) "Justice" or "justices" as used in article one, chapter fifty-one of this code and in other references to a member or members of the supreme court of appeals shall mean and apply to a judge or the judges of said court as provided for in the constitution of the state. The word "justice" in any other context is equivalent to the words "justice of the peace," and the word "notary" is equivalent to "notary public";

(h) The word "state," when applied to a part of the United States and not restricted by the context, includes the District of Columbia and the several territories, and the words "United States" also include the said district and territories;

(i) The word "person" or "whoever" shall include corporations, societies, associations and partnerships, if not restricted by the context;

(j) The words "personal representative" include the executor of a will, the administrator of the estate of a deceased person, the administrator of such estate with the will annexed, the administrator de bonis non of such estate, whether there be a will or not, the sheriff or other officer lawfully
charged with the administration of the estate of a deceased
person, and every other curator or committee of a decedent's
estate for or against whom suits may be brought for causes
of action which accrued to or against such decedent;

(k) The word "will" embraces a testament, a codicil, an
appointment by will or writing in the nature of a will in exer-
cise of a power, also any other testamentary disposition;

(l) The word "judgment" includes decrees and orders for
the payment of money or the conveyance or delivery of land
or personal property, or some interest therein, or any under-
taking, bond or recognizance which has the legal effect of a
judgment;

(m) The words "under disability" include persons under
the age of eighteen years, insane persons, and convicts while
confined in the penitentiary;

(n) The words "insane person" include everyone who is an
idiot, lunatic, non compos or deranged;

(o) The word "convict" means a person confined in the
penitentiary of this or any other state, or of the United States;

(p) The word "land" or "lands" and the words "real
estate" or "real property" include lands, tenements and
hereditaments, all rights thereto and interests therein
except chattel interests;

(q) The words "personal estate" or "personal prop-
erty" include goods, chattels, real and personal, money,
credits, investments and the evidences thereof;

(r) The word "property" or "estate" embraces both
real and personal estate;

(s) The word "offense" includes every act or omission
for which a fine, forfeiture or punishment is imposed by
law;

(t) The expression "laws of the state" includes the
constitution of the state and the constitution of the United
States, and treaties and laws made in pursuance thereof;

(u) The word "town" includes a city, village or town,
and the word "council," any body or board, whether
composed of one or more branches, who are authorized
to make ordinances for the government of a city, town or
village;
(v) When a council of a town, city or village, or any board, number of persons or corporations, are authorized to make ordinances, bylaws, rules, regulations or orders, it shall be understood that the same must be consistent with the laws of this state;

(w) The words “county court” include any existing tribunal created in lieu of a county court; the words “commissioner of the county court” and “county commissioner” mean, and have reference to, the commissioners, or one of them, composing the county court, in pursuance of section twenty-two, article eight of the constitution as amended, or any existing tribunal created in lieu of a county court;

(x) The word “horse” embraces a stallion, a mare and a gelding;

(y) The words “railroad” and “railway” shall be construed by the courts of this state to mean the same thing in law; and, in any proceeding wherein a railroad company or a railway company is a party, it shall not be deemed error to call a railroad company a railway company or vice versa; nor shall any demurrer, plea or any other defense be set up to a motion, pleading or indictment in consequence of such misdescription;

(z) The sectional headings or headlines of the several sections of this code printed in black-faced type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, or as any part of the statute, and, unless expressly so provided, they shall not be so deemed when any of such sections, including the headlines, are amended or reenacted;

(aa) The words “infant” and “minor” mean persons under the age of eighteen years as such words are used in this code or in rules and regulations promulgated by the supreme court of appeals;

(bb) A statute is presumed to be prospective in its operation unless expressly made retrospective;

(cc) Unless there is a provision in a section, article or chapter of this code specifying that the provisions thereof shall not be severable, the provisions of every section,
article or chapter of this code, whether enacted before
or subsequent to the effective date of this subdivision,
shall be severable so that if any provision of any such
section, article or chapter is held to be unconstitutional
or void, the remaining provisions of such section, article
or chapter shall remain valid, unless the court finds the
valid provisions are so essentially and inseparably con-
ected with, and so dependent upon, the unconstitutional
or void provision that the court cannot presume the Leg-
islature would have enacted the remaining valid provi-
sions without the unconstitutional or void one, or unless
the court finds the remaining valid provisions, standing
alone, are incomplete and are incapable of being executed
in accordance with the legislative intent; Provided, That
if any such section, article or chapter of this code has its
own severability clause, then such severability clause shall
govern and control with respect to such section, article
or chapter in lieu of the provisions of this subdivision.
The provisions of this subdivision shall be fully applicable
to all future amendments or additions to this code, with
like effect as if the provisions of this subdivision were
set forth in extenso in every such amendment or addition
and were reenacted as a part thereof, unless such amend-
ment or addition contains its own severability clause;
(dd) A reference to any section, article or chapter of
this code applies to all reenactments, revisions or amend-
ments thereof;
(ee) If a statute refers to a series of numbers or letters,
the first and the last numbers or letters in the series are
deemed to be included.
Enr. Com. Sub. for S. B. No. 48J 6
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within session this the 9th day of April, 1973.

Governor