

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 117

(By Mr. Moreland)
Mrs. Leonard

PASSED April 10, 1973

In Effect Twenty days from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5-1-73

112

ENROLLED

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 112

(Mr. Moreland and Mrs. Leonard, original sponsors)

[Passed April 10, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and three, article two, chapter two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to legal holidays and the return day of a summons or other court proceeding or notice and to a time fixed; providing that legal school holidays shall not be affected; relating to situations when proceedings are to take place or acts are to be done on a particular day which is a Saturday, Sunday or legal holiday or when the last day within any period of time prescribed or allowed falls on a Saturday, Sunday or legal holiday; relating to terms of court and adjournments thereof; relating to the computation of time within which an act is to be done, with particular reference to situations when the last day is a Saturday, Sunday or legal holiday; constituting Saturday as a legal holiday solely for the purpose of Rule 6 (a) of the Rules of Civil Procedure for Trial Courts of Record; and specifying that the provisions dealing with the computation of time shall not change any rule of law relating to bills of exchange or negotiable notes.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, 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.**

§2-2-1. Legal holidays; official acts or court proceedings.

1 The following days shall be regarded, treated and observed
2 as legal holidays, viz: The first day of January, commonly
3 called "New Year's Day"; the twelfth day of February, com-
4 monly called "Lincoln's Birthday"; the third Monday of Feb-
5 ruary, commonly called "Washington's Birthday"; the last
6 Monday of May, commonly called "Memorial Day"; the
7 twentieth day of June, commonly called "West Virginia Day";
8 the fourth day of July, commonly called "Independence Day";
9 the first Monday of September, commonly called "Labor
10 Day"; the second Monday of October, commonly called
11 "Columbus Day"; the eleventh day of November, hereafter
12 referred to as "Veterans Day"; the fourth Thursday of Novem-
13 ber, commonly called "Thanksgiving Day"; the twenty-fifth
14 day of December, commonly called "Christmas Day"; any
15 national, state or other election day throughout the district or
16 municipality wherein held; and all days which may be ap-
17 pointed or recommended by the governor of this state, or the
18 president of the United States, as days of thanksgiving, or for
19 the general cessation of business; and when any of said days
20 or dates falls on Sunday, then the succeeding Monday shall be
21 regarded, treated and observed as such legal holiday. When
22 the return day of any summons or other court proceeding or
23 any notice or time fixed for holding any court or doing any
24 official act shall fall on any of said holidays, the ensuing day
25 which is not a Saturday, Sunday or legal holiday shall be taken
26 as meant and intended: *Provided*, That nothing herein con-
27 tained shall increase nor diminish the legal school holidays
28 provided for in section two, article five, chapter eighteen-a
29 of this code.

**§2-2-2. When acts to be done fall on Saturday, Sunday or legal holi-
day; adjournments from day to day.**

1 When a proceeding is directed to take place or any act to
2 be done on any particular day of the month or within any per-
3 iod of time prescribed or allowed, including those provided by
4 article two, chapter fifty-five, of this code, if that day or the
5 last day falls on a Saturday, Sunday or legal holiday, the next
6 day which is not a Saturday, Sunday or legal holiday shall

7 be deemed to be the one intended, and when the day upon
8 which a term of court is directed by law to commence, falls
9 on a Saturday, Sunday or legal holiday, the following day
10 which is not a Saturday, Sunday or legal holiday shall be
11 deemed to be the day intended. When an adjournment is
12 authorized from day to day, an adjournment from Friday to
13 Monday will be legal.

§2-2-3. Computation of time.

1 The time or period prescribed or allowed within which an
2 act is to be done shall be computed by excluding the first
3 day and including the last; or if the last be a Saturday,
4 Sunday or legal holiday, it shall also be excluded, and any
5 such Saturday shall be a legal holiday solely for the purpose
6 of Rule 6 (a) of the Rules of Civil Procedure for Trial
7 Courts of Record; but the provisions of this section shall not
8 be deemed to change any rule of law applicable to bills of
9 exchange or negotiable notes.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Darrel Darby
Chairman Senate Committee

Clarence C. Chutkan
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

Howard W. Barron
Clerk of the Senate

V. A. Blankenship
Clerk of the House of Delegates

H. Brotherton Jr.
President of the Senate

Lewis F. McMane
Speaker House of Delegates

The within approved this the 16th
day of April, 1973.

Arch A. Shaver Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/16/73

Time 9:11 a.m.