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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

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ENROLLED


SENATE BILL NO. 48

(By Mr. Marshall and Mr. Deem)

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PASSED March 30, 1973

In Effect From Passage



48

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 4-9-73

ENROLLED

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 48

(Mr. Moreland and Mr. Deem, *original sponsors*)

[Passed March 30, 1973; in effect from 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
2 of statutes, unless a different intent on the part of the
3 Legislature be apparent from the context:

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

10 (b) Words purporting to give a joint authority to three

11 or more persons confer such authority upon a majority of
12 them, and not upon any less number;

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

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

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

28 (f) The words "the governor" are equivalent to "the
29 executive of the state" or "the person having the execu-
30 tive power";

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

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

42 (i) The word "person" or "whoever" shall include corpora-
43 tions, societies, associations and partnerships, if not restricted
44 by the context;

45 (j) The words "personal representative" include the exe-
46 cutor of a will, the administrator of the estate of a deceased
47 person, the administrator of such estate with the will annex-
48 ed, the administrator de bonis non of such estate, whether
49 there be a will or not, the sheriff or other officer lawfully

50 charged with the administration of the estate of a deceased
51 person, and every other curator or committee of a decedent's
52 estate for or against whom suits may be brought for causes
53 of action which accrued to or against such decedent;

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

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

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

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

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

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

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

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

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

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

84 (u) The word "town" includes a city, village or town,
85 and the word "council," any body or board, whether
86 composed of one or more branches, who are authorized
87 to make ordinances for the government of a city, town or
88 village;

89 (v) When a council of a town, city or village, or any
90 board, number of persons or corporations, are authorized
91 to make ordinances, bylaws, rules, regulations or orders,
92 it shall be understood that the same must be consistent
93 with the laws of this state;

94 (w) The words "county court" include any existing tri-
95 bunal created in lieu of a county court; the words "com-
96 missioner of the county court" and "county commis-
97 sioner" mean, and have reference to, the commissioners,
98 or one of them, composing the county court, in pursuance
99 of section twenty-two, article eight of the constitution as
100 amended, or any existing tribunal created in lieu of a
101 county court;

102 (x) The word "horse" embraces a stallion, a mare and
103 a gelding;

104 (y) The words "railroad" and "railway" shall be con-
105 strued by the courts of this state to mean the same thing
106 in law; and, in any proceeding wherein a railroad com-
107 pany or a railway company is a party, it shall not be
108 deemed error to call a railroad company a railway com-
109 pany or vice versa; nor shall any demurrer, plea or any
110 other defense be set up to a motion, pleading or indict-
111 ment in consequence of such misdescription;

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

120 (aa) The words "infant" and "minor" mean persons un-
121 der the age of eighteen years as such words are used in
122 this code or in rules and regulations promulgated by the
123 supreme court of appeals;

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

126 (cc) Unless there is a provision in a section, article or
127 chapter of this code specifying that the provisions there-
128 of shall not be severable, the provisions of every section,

129 article or chapter of this code, whether enacted before
130 or subsequent to the effective date of this subdivision,
131 shall be severable so that if any provision of any such
132 section, article or chapter is held to be unconstitutional
133 or void, the remaining provisions of such section, article
134 or chapter shall remain valid, unless the court finds the
135 valid provisions are so essentially and inseparably con-
136 nected with, and so dependent upon, the unconstitutional
137 or void provision that the court cannot presume the Leg-
138 islature would have enacted the remaining valid provi-
139 sions without the unconstitutional or void one, or unless
140 the court finds the remaining valid provisions, standing
141 alone, are incomplete and are incapable of being executed
142 in accordance with the legislative intent: *Provided*, That
143 if any such section, article or chapter of this code has its
144 own severability clause, then such severability clause shall
145 govern and control with respect to such section, article
146 or chapter in lieu of the provisions of this subdivision.
147 The provisions of this subdivision shall be fully applicable
148 to all future amendments or additions to this code, with
149 like effect as if the provisions of this subdivision were
150 set forth in extenso in every such amendment or addition
151 and were reenacted as a part thereof, unless such amend-
152 ment or addition contains its own severability clause;

153 (dd) A reference to any section, article or chapter of
154 this code applies to all reenactments, revisions or amend-
155 ments thereof;

156 (ee) If a statute refers to a series of numbers or letters,
157 the first and the last numbers or letters in the series are
158 deemed to be included.

Enr. Com. Sub. for S. B. No. 48] 6

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

H. Daniel Kirby
Chairman Senate Committee

Clarence C. Chrichton Jr.
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Wolansky
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. B. Brotherton Jr.
President of the Senate

Lewis F. R. Manne
Speaker House of Delegates

The within *appeared* this the *9th*
April, 1973.
Arch A. Shaefer Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/6/73

Time 9:13 a.m.