O.C.G.A. § 1-3-1

Current through the 2020 Regular Session of the General Assembly

GA - Official Code of Georgia Annotated > TITLE 1. GENERAL PROVISIONS > CHAPTER 3. LAWS AND STATUTES

Notice

This section has more than one version with varying effective dates. To view a complete list of the versions of this section see Table of Contents.

§ 1-3-1. (Effective until January 1, 2021) Construction of statutes generally

(a) In all interpretations of statutes, the courts shall look diligently for the intention of the General Assembly, keeping in view at all times the old law, the evil, and the remedy. Grammatical errors shall not vitiate a law. A transposition of words and clauses may be resorted to when a sentence or clause is without meaning as it stands.

(b) In all interpretations of statutes, the ordinary signification shall be applied to all words, except words of art or words connected with a particular trade or subject matter, which shall have the signification attached to them by experts in such trade or with reference to such subject matter.

(c)A substantial compliance with any statutory requirement, especially on the part of public officers, shall be deemed and held sufficient, and no proceeding shall be declared void for want of such compliance, unless expressly so provided by law.

(d) In addition to the rules for construction prescribed in subsections (a) through (c) of this Code section, the rules provided in this subsection shall govern the construction of all statutes with respect to the subjects enumerated.

(1) Bonds. When a bond is required by law, an undertaking in writing, without seal, is sufficient; and in all bonds where the names of the obligors do not appear in the bond but are subscribed thereto, they are bound thereby.

(2) Census. Whenever there is used in the statutory law of this state the term "federal census," "United States census," "decennial census," or similar words referring to the official census conducted every ten years by the United States of America or any agency thereof as required by *Article I, Section II, Paragraph III of the Constitution* of the United States, the effective date of such census for the purpose of making operative and of force any statutory law of this state shall be determined as follows:

(A) The effective date of the census shall be July 1 of the first year after the year in which the census is conducted, for the purpose of making operative and of force the following laws:

(i)*Code Section 15-16-20*;

(ii)*Code Sections 15-6-88* through *15-6-91*;

(iii)*Code Section 48-5-183*;

(iv)*Code Sections 15-9-63* through *15-9-66*;

(v)*Code Section 36-5-25*;

(vi)*Code Section 15-10-23*; and

(vii)*Code Section 45-16-11*;

provided, however, that if a county's population decreases according to a more recent census below its population according to an earlier census, then, notwithstanding any other provision of law, any officer who is compensated under a law specified in this subparagraph and who is in office on the date specified in this subparagraph shall continue during his entire tenure in such office (including any future terms of office in such office) to be compensated on the basis of the county's population according to such earlier census;

(B) For purposes of any program of grants of state funds to local governments, the effective date of the census shall be July 1 of the first year after the year in which the census is conducted;

(C) For the purpose of reconstituting the membership of any constitutional or statutory board, commission, or body whose members are appointed from congressional districts, the effective date of the census shall be January 1 of the third year after the year in which the census is conducted;

(D) The effective date of the census shall be July 1 of the second year after the year in which the census is conducted for the purpose of making operative and of force all other statutory laws which do not expressly provide otherwise.

(3) Computation of time. Except as otherwise provided by time period computations specifically applying to other laws, when a period of time measured in days, weeks, months, years, or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in *Code Section 1-4-1*, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(4) Gender. The masculine gender includes the feminine and the neuter.

(5) Joint authority.A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is otherwise declared.

(6) Number. The singular or plural number each includes the other, unless the other is expressly excluded.

(7) Tense. The present or past tense includes the future.

History

Orig. Code 1863, § 5; Code 1868, § 4; Code 1873, § 4; Code 1882, § 4; Civil Code 1895, § 4; Penal Code 1895, § 1; Civil Code 1910, § 4; Penal Code 1910, § 1; Code 1933, § 102-102; Ga. L. 1958, p. 388, § 1; Ga. L. 1963, p. 608, § 1; Ga. L. 1967, p. 579, § 1; Ga. L. 1981, p. 951, § 1; Ga. L. 1985, p. 648, § 1; Ga. L. 1990, p. 1903, § 1; Ga. L. 2001, p. 902, § 22; *Ga. L. 2012, p. 173,* § 2-1/HB 665; *Ga. L. 2018, p. 356,* § 2-1/SB 436.

Annotations

Notes

THE 2018 AMENDMENT, effective July 1, 2018, substituted "15-9-66" for "15-9-67" in division (d)(2)(A)(iv).

EDITOR'S NOTES. --

Code Section 1-3-1 is set out twice in this Code. The first version is effective until January 1, 2021, and the second version becomes effective on that date.

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CONSTRUCTION CANNOT RENDER STATUTE MEANINGLESS. --Because the purpose of *O.C.G.A. § 17-6-72(d)(1)* was remedial and had to therefore be construed in favor of the surety, in interpreting the statute and avoiding a meaningless result the trial court properly allowed a surety a remission of 50 percent of the bond amount after the surety filed its application for the bond at any time within 30 days following the expiration of the two-year period following the date of judgment. *State of Ga. v. Free At Last Bail Bonds, 285 Ga. App. 734, 647 S.E.2d 402 (2007)*.

CITED in *Citizens & S. Bank v. Taggart, 164 Ga. 351, 138 S.E. 898 (1927)*; *City of Columbus v. Muscogee Mfg. Co., 165 Ga. 259, 140 S.E. 860 (1927)*; *Export Ins. Co. v. Womack, 165 Ga. 815, 142 S.E. 851 (1928)*; *Willcox v. Beechwood Band Mill Co., 166 Ga. 367, 143 S.E. 405 (1928)*; *Allen v. Allen, 39 Ga. App. 624, 147 S.E. 798 (1929)*; *Mobley v. Chamblee, 39 Ga. App. 645, 148 S.E. 306 (1929)*; *Almond v. Mobley, 40 Ga. App. 305, 149 S.E. 293 (1929)*; *Georgia Paper Stock Co. v. State Tax Bd., 174 Ga. 816, 164 S.E. 197 (1932)*; *Carter v. Land, 174 Ga. 811, 164 S.E. 205 (1932)*; *Murphy v. Lowry, 178 Ga. 138, 172 S.E. 457 (1933)*; *Minsk v. Cook, 48 Ga. App. 567, 173*

S.E. 446 (1934); Jackson v. State, 49 Ga. App. 345, 175 S.E. 421 (1934); Montag Bros. v. State Revenue Comm'n, 50 Ga. App. 660, 179 S.E. 563 (1935); Eason v. Morrison, 181 Ga. 322, 182 S.E. 163 (1935); Southland Ice Co. v. Doyal, 181 Ga. 797, 184 S.E. 295 (1936); Marshall v. Walker, 183 Ga. 44, 187 S.E. 81 (1936); State Revenue Comm'n v. Alexander, 54 Ga. App. 295, 187 S.E. 707 (1936); Longino v. Hanley, 184 Ga. 328, 191 S.E. 101 (1937); Jones v. Boykin, 185 Ga. 606, 196 S.E. 900 (1938); Sanders v. Paschal, 186 Ga. 837, 199 S.E. 153 (1938); Kesler v. Groover, 58 Ga. App. 548, 199 S.E. 332 (1938); Austin-Western Rd. Mach. Co. v. Fayette County, 99 F.2d 565 (5th Cir. 1938); Burden v. Gates, 188 Ga. 284, 3 S.E.2d 679 (1939); General Accident, Fire & Life Assurance Corp. v. John P. King Mfg. Co., 60 Ga. App. 281, 3 S.E.2d 841 (1939); Cason v. State, 60 Ga. App. 626, 4 S.E.2d 713 (1939); State v. Camp, 189 Ga. 209, 6 S.E.2d 299 (1939); Harrell v. Southeastern Pipe-Line Co., 190 Ga. 709, 10 S.E.2d 386 (1940); Maddox v. First Nat'l Bank, 191 Ga. 106, 11 S.E.2d 662 (1940); Jones v. State, 64 Ga. App. 376, 13 S.E.2d 462 (1941); Forrester v. Trust Co., 65 Ga. App. 167, 15 S.E.2d 559 (1941); Hirsch v. Shepherd Lumber Corp., 194 Ga. 113, 20 S.E.2d 575 (1942); Wharton v. State, 67 Ga. App. 545, 21 S.E.2d 258 (1942); Preston v. National Life & Accident Ins. Co., 196 Ga. 217, 26 S.E.2d 439 (1943); Nixon v. Nixon, 196 Ga. 148, 26 S.E.2d 711 (1943); Owens v. State, 72 Ga. App. 11, 32 S.E.2d 848 (1945); Cook v. Cobb, 72 Ga. App. 150, 33 S.E.2d 366 (1945); Blige v. State, 72 Ga. App. 438, 33 S.E.2d 917 (1945); Lumpkin v. State, 73 Ga. App. 229, 36 S.E.2d 123 (1945); Thompson v. Eastern Air Lines, 200 Ga. 216, 39 S.E.2d 225 (1946); Wright v. State, 75 Ga. App. 764, 44 S.E.2d 569 (1947); Smith v. AMOCO, 77 Ga. App. 463, 49 S.E.2d 90 (1948); Nashville, C. & St. L. Ry. v. Ham, 78 Ga. App. 403, 50 S.E.2d 831 (1948); Citizens Loan & Sec. Co. v. Trust Co., 79 Ga. App. 184, 53 S.E.2d 179 (1949); Childs v. Hampton, 80 Ga. App. 748, 57 S.E.2d 291 (1950); Delinski v. Dunn, 206 Ga. 825, 59 S.E.2d 248 (1950); Norris v. McDaniel, 207 Ga. 232, 60 S.E.2d 329 (1950); Bussey v. Hager, 82 Ga. App. 23, 60 S.E.2d 532 (1950); Reece v. State, 208 Ga. 165, 66 S.E.2d 133 (1951); Camp v. Trapp, 209 Ga. 298, 71 S.E.2d 534 (1952); Payne v. Moore Fin. Co., 87 Ga. App. 627, 74 S.E.2d 746 (1953); Beazley v. De Kalb County, 210 Ga. 41, 77 S.E.2d 740 (1953); State v. Cherokee Brick & Tile Co., 89 Ga. App. 235, 79 S.E.2d 322 (1953); Trowbridge v. Dominy, 92 Ga. App. 177, 88 S.E.2d 161 (1955); Jenkins v. State, 93 Ga. App. 360, 92 S.E.2d 43 (1956); Stein Steel & Supply Co. v. Tate, 94 Ga. App. 517, 95 S.E.2d 437 (1956); Scheuer v. Housing Auth., 214 Ga. 842, 108 S.E.2d 264 (1959); Dell v. Kugel, 99 Ga. App. 551, 109 S.E.2d 532 (1959); Crosby v. State, 100 Ga. App. 49, 110 S.E.2d 94 (1959); City Whsle. Co. v. Harper, 100 Ga. App. 151, 110 S.E.2d 561 (1959); Smith v. A.A. Wood & Son Co., 103 Ga. App. 802, 120 S.E.2d 800 (1961); Williams v. Hudgens, 217 Ga. 706, 124 S.E.2d 746 (1962); Utzman v. Caribbean & S.E. Dev. Corp., 107 Ga. App. 56, 129 S.E.2d 62 (1962); First Nat'l Ins. Co. of Am. v. Thain, 107 Ga. App. 100, 129 S.E.2d 381 (1962); Dyson v. Dixon, 219 Ga. 427, 134 S.E.2d 1 (1963); Balkcom v. Defore, 219 Ga. 641, 135 S.E.2d 425 (1964); Mach v. State, 109 Ga. App. 154, 135 S.E.2d 467 (1964); Stull v. Jack Stull, Inc., 220 Ga. 271, 138 S.E.2d 379 (1964); Goldstein v. Karr, 110 Ga. App. 806, 140 S.E.2d 40 (1964); Mitchell v. State, 111 Ga. App. 11, 140 S.E.2d 290 (1965); Millhollan v. State, 221 Ga. 165, 143 S.E.2d 730 (1965); McVay v. Anderson, 221 Ga. 381, 144 S.E.2d 741 (1965); Montgomery v. Gilbert, 112 Ga. App. 751, 146 S.E.2d 115 (1965); Red Hill Lumber Co. v. Miller, 112 Ga. App. 882, 146 S.E.2d 918 (1966); Smith v. Smith, 113 Ga. App. 111, 147 S.E.2d 466 (1966); State v. Livingston, 222 Ga. 441, 150 S.E.2d 648 (1966); Wall v. Youmans, 223 Ga. 191, 154 S.E.2d 191 (1967); Herrin v. Herrin, 224 Ga. 579, 163 S.E.2d 713 (1968); Daniels v. Allen, 118 Ga. App. 722, 165 S.E.2d 449 (1968); Martin Theaters of Ga., Inc. v. Lloyd, 118 Ga. App. 835, 165 S.E.2d 909 (1968); Anthony v. Anthony, 120 Ga. App. 261, 170 S.E.2d 273 (1969); Aliotta v. Gilreath, 226 Ga. 263, 174 S.E.2d 403 (1970); Thompson v. Abbott, 226 Ga. 353, 174 S.E.2d 904 (1970); Mull v. Aetna Cas. & Sur. Co., 226 Ga. 462, 175 S.E.2d 552 (1970); Citizens & S. Nat'l Bank v. Fulton County, 123 Ga. App. 323, 180 S.E.2d 905 (1971); Morris v. Durbin, 123 Ga. App. 383, 180 S.E.2d 925 (1971); Save The Bay Comm., Inc. v. Mayor of Savannah, 227 Ga. 436, 181 S.E.2d 351 (1971); Ansley v. State, 124 Ga. App. 670, 185 S.E.2d 562 (1971); Watts v. Teagle, 124 Ga. App. 726, 185 S.E.2d 803 (1971); Mickas v. Mickas, 229 Ga. 10, 189 S.E.2d 81 (1972); Winston Corp. v. Park Elec. Co., 126 Ga. 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Dickson, 495 F.2d 607 (5th Cir. 1974); J.A.T. v. State, 133 Ga. App. 922, 212 S.E.2d 879 (1975); Dunn v. Cofer, 134 Ga. App. 173, 213 S.E.2d 483 (1975); Blackmon v. Dixon, 134 Ga. App. 184, 213 S.E.2d 513 (1975); Chanin v. Bibb County, 234 Ga. 282, 216 S.E.2d 250 (1975); Hinson v. Georgia State Bd. of Dental Exmrs., 135 Ga. App. 488, 218 S.E.2d 162 (1975); DeFreeze v. State, 136 Ga. App. 10, 220 S.E.2d 17 (1975); Stitt v. Busbee, 136 Ga. App. 44, 220 S.E.2d 59 (1975); Garren v. Southland Corp., 235 Ga. 784, 221 S.E.2d 571 (1976); *Givens v. Dunn Labs., Inc., 138 Ga. App. 26, 225 S.E.2d 480 (1976)*; H.R. Lee Inv. Corp. v. Groover, 138 Ga. App. 231, 225 S.E.2d 742 (1976); Camp v. Hamrick, 139 Ga. App. 61, 228 S.E.2d 288 (1976); Blumenau v. Citizens & S. Nat'l Bank, 139 Ga. App. 188, 228 S.E.2d 302 (1976); Turner Communications Corp. v. Georgia Dep't of Transp., 139 Ga. App. 436, 228 S.E.2d 399 (1976); Jones v. State, 139 Ga. App. 679, 229 S.E.2d 149 (1976); *Smith v. State, 140 Ga. 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Dep't of Human Res., 278 Ga. 714, 606 S.E.2d 270 (2004); Cochran v. Bowers, 274 Ga. App. 449, 617 S.E.2d 563 (2005); In the Interest of K.M.C., 273 Ga. App. 276, 614 S.E.2d 896 (2005); Effingham County Bd. of Tax Assessors v. Samwilka, Inc., 278 Ga. App. 521, 629 S.E.2d 501 (2006); Summerlin v. Ga. Pines Cmty. Serv. Bd., 278 Ga. App. 831, 630 S.E.2d 115 (2006); In the Interest of L.J., 279 Ga. App. 237, 630 S.E.2d 771 (2006); Goswick v. Murray County Bd. of Educ., 281 Ga. App. 442, 636 S.E.2d 133 (2006); Echols v. Echols, 281 Ga. 546, 640 S.E.2d 257 (2007); Merry v. Williams, 281 Ga. 571, 642 S.E.2d 46 (2007); In the Interest of D.B., 284 Ga. App. 445, 644 S.E.2d 305 (2007); DBL, Inc. v. Carson, 284 Ga. App. 898, 645 S.E.2d 56 (2007); Leake v. Murphy, 284 Ga. App. 490, 644 S.E.2d 328 (2007); Ga. Public Defender Stds. Council v. State of Ga., 284 Ga. App. 660, 644 S.E.2d 510 (2007); In re Carter, 288 Ga. App. 276, 653 S.E.2d 860 (2007); Charles H. Wesley Educ. Found., Inc. v. State Election Bd., 282 Ga. 707, 654 S.E.2d 127 (2007); In re Estate of Miraglia, 290 Ga. App. 28, 658 S.E.2d 777 (2008); Carolina Tobacco Co. v. Baker, 295 Ga. App. 115, 670 S.E.2d 811 (2008); In the Interest of P.S., 295 Ga. App. 724, 673 S.E.2d 74 (2009); Morrell v. State, 297 Ga. App. 592, 677 S.E.2d 771 (2009); Moore v. Moore-McKinney, 297 Ga. App. 703, 678 S.E.2d 152 (2009); Transworld Fin. Corp. v. Coastal Tire & Container Repair, LLC, 298 Ga. App. 286, 680 S.E.2d 143 (2009); Frix v. State, 298 Ga. App. 538, 680 S.E.2d 582 (2009); Peck v. State, 300 Ga. App. 375, 685 S.E.2d 367 (2009); Emory Adventist, Inc. v. Hunter, 301 Ga. App. 215, 687 S.E.2d 267 (2009); Northeast Atlanta Bonding Co. v. State, 308 Ga. App. 573, 707 S.E.2d 921 (2011); Hill v. State, 309 Ga. App. 531, 710 S.E.2d 667 (2011); Davenport v. State, 289 Ga. 399, 711 S.E.2d 699 (2011); City of Atlanta v. City of College Park, 311 Ga. App. 62, 715 S.E.2d 158 (2011); Luangkhot v. State, 313 Ga. App. 599, 722 S.E.2d 193 (2012); Brown v. State, 314 Ga. App. 1, 723 S.E.2d 112 (2012); Walker v. State, 290 Ga. 696, 723 S.E.2d 894 (2012); Boyd v. State, 314 Ga. App. 883, 726 S.E.2d 135 (2012); Mayor & Aldermen of Savannah v. Batson-Cook Co., 291 Ga. 114, 728 S.E.2d 189 (2012); Brantley Land & Timber, LLC v. W & D Invs., Inc., 316 Ga. App. 277, 729 S.E.2d 458 (2012); Nicholson Hills Dev. v. Branch Banking & Trust Co., 316 Ga. App. 857, 730 S.E.2d 572 (2012); Inagawa v. Fayette County, 291 Ga. 715, 732 S.E.2d 421 (2012); Gay v. Owens, 292 Ga. 480, 738 S.E.2d 614 (2013); Norred v. Teaver, 320 Ga. App. 508, 740 S.E.2d 251 (2013); Austin v. Bank of Am., N.A., 293 Ga. 42, 743 S.E.2d 399 (2013); Turner County v. City of Ashburn, 293 Ga. 739, 749 S.E.2d 685 (2013); Nat'l City Mortg. Co. v. Tidwell, 293 Ga. 697, 749 S.E.2d 730 (2013); Atlanta Indep. Sch. Sys. v. Atlanta Neighborhood Charter Sch., 293 Ga. 629, 748 S.E.2d 884 (2013); Abdel-Samed v. Dailey, 294 Ga. 758, 755 S.E.2d 805 (2014); L & K Enters., LLC v. City National Bank, N.A., 326 Ga. App. 744, 755 S.E.2d 270 (2014); Sewell v. Cancel, 295 Ga. 235, 759 S.E.2d 485 (2014); Park v. Bailey, 329 Ga. App. 569, 765 S.E.2d 721 (2014); Fielder v. Johnson, 333 Ga. App. 658, 773 S.E.2d 831 (2015), cert. denied, No. S15C1893, 2016 Ga. LEXIS 1 (Ga. 2016); AA-Prof'l Bail Bonding v. Deal, 332 Ga. App. 857, 775 S.E.2d 217 (2015); Evans v. State, 334 Ga. App. 104, 778 S.E.2d 360 (2015); Wright v. Brown, 336 Ga. App. 1, 783 S.E.2d 405

(2016); *State v. Mantooth, 337 Ga. App. 698, 788 S.E.2d 584 (2016)*; *Liberty Mut. Fire Ins. Co. v. Quiroga-Saenz, 343 Ga. App. 494, 807 S.E.2d 460 (2017)*; *Ga.-Pac. Consumer Prods., LP v. Ratner, 345 Ga. App. 434, 812 S.E.2d 120 (2018)*, cert. denied, *2018 Ga. LEXIS 736*, cert. denied, *No. S18C1130, 2018 Ga. LEXIS 725 (Ga. 2018)*; *In re Estate of Gladstone, 303 Ga. 547, 814 S.E.2d 1 (2018)*; *Maddox v. State, 346 Ga. App. 674, 816 S.E.2d 796 (2018)*; *City of College Park v. Martin, 304 Ga. 488, 818 S.E.2d 620 (2018)*; *Moore v. Childs, 347 Ga. App. 560, 820 S.E.2d 186 (2018)*; *Jorree v. PMB Rentals, LLC, 349 Ga. App. 332, 825 S.E.2d 817 (2019)*; *Smith v. Smith, 350 Ga. App. 647, 829 S.E.2d 886 (2019)*; *Glass v. Faircloth, 354 Ga. App. 326, 840 S.E.2d 724 (2020)*.

APPLICABILITY

SECTION IS INTENDED TO APPLY TO PROVISIONS OF THE CODE IN THE SUBJECT OF WILLS. Ellis v. Darden, 86 Ga. 368, 12 S.E. 652, 11 L.R.A. 51 (1890).

SECTION APPLIES TO STATUTORY, BUT NOT CONTRACTUAL, LIMITATIONS. Rowell v. Harrell Realty Co., 25 Ga. App. 585, 103 S.E. 717 (1920) see also *Simpkins v. Johnson, 3 Ga. App. 437, 60 S.E. 202 (1908)*; *Maxwell Bros. v. Liverpool & London & Globe Ins. Co., 12 Ga. App. 127, 76 S.E. 1036 (1913)*.

SECTION APPLIES TO CONSTRUCTION OF BOTH MUNICIPAL ORDINANCES AND STATUTES. Risser v. City of Thomasville, 248 Ga. 866, 286 S.E.2d 727 (1982).

PARAGRAPH (D)(3) OF *O.C.G.A. § 1-3-1* APPLIES TO CONTRACTS AS WELL AS STATUTES when the limitation is in terms of days. *Management Search, Inc. v. Avon Prods., Inc., 166 Ga. App. 262, 304 S.E.2d 426 (1983)*.

1985 AMENDMENT. --Because the 1985 amendment to paragraph (d)(3) of *O.C.G.A. § 1-3-1*, effective July 1, 1985, was silent on the question of retroactive application, it has no application to a personal injury case where the period of limitations would have expired on June 29, 1985, under the law prior to the amendment. *Loveless v. Grooms, 180 Ga. App. 424, 349 S.E.2d 281 (1986)*.

The 1985 amendment to paragraph (d)(3) extended the old statutory time period where that time period had not yet expired prior to the effective date of the amendment. *Hollingsworth v. Hubbard, 184 Ga. App. 121, 361 S.E.2d 12 (1987)*.

COMPUTATION OF TIME. --Superior court improperly dismissed as untimely appellant city's petition for a writ of certiorari challenging a civil service board's decision, as the petition was timely filed for purposes of *O.C.G.A. § 5-4-6(a)* since: (1) the last day to file the petition fell on Thanksgiving Day; (2) the Friday after Thanksgiving day, like Thanksgiving day, was a legal holiday as set forth in *O.C.G.A. § 1-4-1*; and (3) the petition was filed on the very next business day, as allowed by *O.C.G.A. § 1-3-1(d)(3)*. *City of Atlanta v. Hector, 256 Ga. App. 665, 569 S.E.2d 600 (2002)*.

Denial of an untimely motion for a continuance was not an abuse of discretion, in the absence of a proffer of defendant's counsel's testimony or other evidence to support this claim. *Currington v. State, 270 Ga. App. 381, 606 S.E.2d 619 (2004)*.

Method of computation of time in *O.C.G.A. § 1-3-1(d)(3)* applies to the filing of renewal actions under *O.C.G.A. § 9-2-61(a)*. *Parsons v. Capital Alliance Fin., LLC, 325 Ga. App. 884, 756 S.E.2d 14 (2014)*.

CONSTRUCTION OF "HOLIDAYS." --Because the plain language of *O.C.G.A. § 1-3-1(a)* and *§ 5-6-38(a)* make no provisions for extending the filing time for notices of appeal to compensate for county declared holidays and

O.C.G.A. § 1-4-2 limits religious holidays to Sundays, Good Friday did not constitute a holiday for purposes of extending the filing date. *In re Estate of Dasher, 259 Ga. App. 201, 575 S.E.2d 921 (2002)*.

DEFINITION ACCORDING TO EXPERTS IN MEDICAL FIELD. --Where executive agencies have rule-making powers delegated by the Georgia General Assembly, *O.C.G.A. § 1-3-1(b)* must yield to other rules of statutory construction; thus, the definition of "specialty" as understood by an American board on medical specialties was not controlling for purposes of the single-specialty exemption of *O.C.G.A. § 31-6-2(14)(G)(iii)* regarding the requirement of obtaining a certificate of need. *Albany Surgical, P.C. v. Dep't of Cmty. Health, 257 Ga. App. 636, 572 S.E.2d 638 (2002)*.

GENERAL RULES OF CONSTRUCTION

STATUTE IS PRESUMED TO BE VALID AND CONSTITUTIONAL UNTIL THE CONTRARY APPEARS, and, where challenged as a whole, the attack will necessarily fail unless the statute is invalid in every part for some reason alleged. *Williams v. Ragsdale, 205 Ga. 274, 53 S.E.2d 339 (1949)*.

A solemn Act of the General Assembly is presumed to be constitutional. *State v. Davis, 246 Ga. 761, 272 S.E.2d 721 (1980)*.

A statute properly enacted is presumed to be constitutional. *Development Auth. v. Beverly Enters., 247 Ga. 64, 274 S.E.2d 324 (1981)*.

An Act of the General Assembly carries a strong presumption of constitutionality, and therefore should not be set aside unless it "plainly and palpably" conflicts with a constitutional provision. *City of Atlanta v. Metropolitan Atlanta Rapid Transit Auth., 636 F.2d 1084 (5th Cir. 1981)*.

STATUTE MUST BE CONSTRUED WITH REFERENCE TO WHOLE SYSTEM of which it is a part. *Allison v. Domain, 158 Ga. App. 542, 281 S.E.2d 299 (1981)*.

CONSTRUCTION WHICH WILL GIVE EFFECT TO A STATUTE OR RULE IS PREFERRED to a construction which will destroy it. *Brown v. State Merit Sys. of Personnel Admin., 245 Ga. 239, 264 S.E.2d 186 (1980)*.

THAT CONSTRUCTION WHICH WILL UPHOLD A STATUTE IN WHOLE AND IN EVERY PART IS PREFERRED. Exum v. City of Valdosta, 246 Ga. 169, 269 S.E.2d 441 (1980).

SUBDIVISION (D)(3) HAS NO APPLICATION IN CRIMINAL PROSECUTION. --In a prosecution of a county deputy for sexual battery and false imprisonment, an indictment filed on May 30, 2014, two years after the incidents that took place on May 30, 2012, was filed a day after the expiration of the statute of limitation, *O.C.G.A. § 17-3-1(e)*; *O.C.G.A. § 1-3-1(d)(3)* did not apply in a criminal prosecution. *State v. Dorsey, 342 Ga. App. 188, 802 S.E.2d 61 (2017)*.

SPECIFIC SENTENCING PROVISIONS CONTROLLED OVER GENERAL SENTENCING PROVISIONS. --Pursuant to *O.C.G.A. § 16-13-31(g)(1)*, the trial court lacked the authority to probate or suspend sentences imposed against two defendants in unrelated criminal actions, and neither the 2004 nor the 2006 amendments to the general sentencing provisions under *O.C.G.A. § 17-10-1(a)(1)* were relevant; moreover, because *O.C.G.A. §§ 17-10-6.1* and *17-10-6.2* were statutes that defined certain categories of crimes and provided the sentencing guidelines for those categories, it did not appear that the list of these two exceptions normally would have included *§ 16-13-31* or any other specific criminal statute, and any omission would be significant only with regard to a statute that defined

classes or categories of crimes. *Gillen v. State, 286 Ga. App. 616, 649 S.E.2d 832 (2007)*, cert. denied, *No. S07C1780, 2007 Ga. LEXIS 809 (Ga. 2007)*.

COURTS NOT TO "READ OUT" PART OF STATUTE. --It is contrary to the generally accepted principles for construing statutes to "read out" any part of the statute as "mere surplusage" unless there is a clear reason for doing so. *Porter v. Food Giant, Inc., 198 Ga. App. 736, 402 S.E.2d 766 (1991)*, cert. denied, *502 U.S. 980, 112 S. Ct. 582, 116 L. Ed. 2d 607 (1991)*.

CONSTRUCTION WHICH RENDERS ORDINANCE OR RESOLUTION VALID PREFERRED. --In construing an ordinance or resolution of a governmental unit, if the language is susceptible of more than one construction, that construction is preferred which will render it valid rather than invalid. *Mayor of Hapeville v. Anderson, 246 Ga. 786, 272 S.E.2d 713 (1980)*.

IT IS COURTS' DUTY to put construction upon statutes, if possible, and to uphold them and carry them into effect. *Lamons v. Yarbrough, 206 Ga. 50, 55 S.E.2d 551 (1949)*.

It is the duty of the court in construing an ambiguous statute to give it a construction, if the language permits, that will sustain the Act, rather than a construction that will render it invalid. *Jones v. City of College Park, 223 Ga. 778, 158 S.E.2d 384 (1967)*.

ACT'S CONSTITUTIONALITY DETERMINED BY EXAMINING ACT EXISTING AT TIME OF OFFENSE. --The constitutionality of an Act of the General Assembly must be determined by the examination of the Act as it existed at the time of the alleged offense, not by an examination of an isolated section of the *Code. Stewart v. State, 246 Ga. 70, 268 S.E.2d 906 (1980)*.

STATUTES CONSTRUED IN CONNECTION AND IN HARMONY WITH EXISTING LAW. --All statutes are presumed to be enacted by the General Assembly with full knowledge of the existing condition of the law and with reference to it. New statutes are therefore to be construed in connection and in harmony with the existing law. *McPherson v. City of Dawson, 221 Ga. 861, 148 S.E.2d 298 (1966)*.

All statutes are presumed to be enacted by the General Assembly with full knowledge of the existing condition of the law and with reference to it; new statutes are to be construed in connection and in harmony with the existing law, and their meaning and effect will be determined in connection with not only the common law and the Constitution, but also with reference to other statutes and the decisions of the courts. *State v. Davis, 246 Ga. 761, 272 S.E.2d 721 (1980)*; *Allison v. Domain, 158 Ga. App. 542, 281 S.E.2d 299 (1981)*; *Wigley v. Hambrick, 193 Ga. App. 903, 389 S.E.2d 763 (1989)*.

When *O.C.G.A. §§ 15-11-40(b)*, *15-11-63(e)(1)(D)* and (e)(2)(c) were read together to effectuate their meaning, as required by *O.C.G.A. § 1-3-1(a)*, the juvenile court did not err in denying a juvenile's motion to commute or reduce the sentence imposed, as allegations that the juvenile was rehabilitated while in restrictive custody and would benefit from being released were insufficient to grant the juvenile court authority to modify its commitment order once physical custody of the juvenile was transferred to the *Department of Juvenile Justice. In the Interest of J.V., 282 Ga. App. 319, 638 S.E.2d 757 (2006)*.

A STATUTE MUST BE VIEWED SO AS TO MAKE ALL ITS PARTS HARMONIZE and to give a sensible and intelligent effect to each part. *Osborn v. State, 161 Ga. App. 132, 291 S.E.2d 22 (1982)*.

CONSTRUCTION CANNOT RENDER STATUTE MEANINGLESS. --Construing *O.C.G.A. § 16-10-94(c)*, and in order to avoid rendering the terms "and involving another person" meaningless, the court had to interpret that language as imposing felony punishment when the person committed the tampering offense involving the

prosecution or defense of a third person; hence, because the state did not present any allegations or evidence indicating that the defendant committed the tampering offense to prevent the apprehension or prosecution of anyone other than the defendant, the felony sentence imposed was void, and had to be vacated. *English v. State, 282 Ga. App. 552, 639 S.E.2d 551 (2006)*.

COURTS CANNOT CONSTRUE PLAIN STATUTES. --If a statute is plain and susceptible of but one construction, the courts have no authority to place a different construction on it, but must apply it according to its terms. *Thompson v. Georgia Power Co., 73 Ga. App. 587, 37 S.E.2d 622 (1946)*.

Courts of last resort must frequently construe the language of a statute, but they may not substitute by judicial interpretation language of their own for the clear, unambiguous language of the statute, so as to change the meaning. *Frazier v. Southern Ry., 200 Ga. 590, 37 S.E.2d 774 (1946)*.

Where the language of an Act is plain and unequivocal, judicial construction is not only unnecessary but is forbidden. *City of Jesup v. Bennett, 226 Ga. 606, 176 S.E.2d 81 (1970)*.

CERTAIN EXPRESS REQUIREMENTS MUST BE SPELLED OUT IN STATUTE. --A county historic preservation commission's decision was not void because the commission did not have seven members as required by an ordinance. Neither the ordinance nor the Historical Preservation Act, *O.C.G.A. § 44-10-20* et seq., provided that failure to have seven active members invalidated a decision; such an express requirement was necessary under *O.C.G.A. § 1-3-1(c)*. *DeKalb County v. Buckler, 288 Ga. App. 346, 654 S.E.2d 193 (2007)*, cert. denied, *No. S08C0514, 2008 Ga. LEXIS 374 (Ga. 2008)*.

GENDER REFERENCES. --For construction purposes, the state's act of merely tracking the language of *O.C.G.A. § 16-10-24(a)*, which itself used the masculine pronoun "his" to include the feminine gender, did not result in a fatal variance between the evidence at trial and the allegations of the accusation, in a case involving a female officer, entitling both defendants to a directed verdict on the charges of which the defendants were eventually convicted. *Curtis v. State, 285 Ga. App. 298, 645 S.E.2d 705 (2007)*, overruled on other grounds by *McClure v. State, 306 Ga. 856, 834 S.E.2d 96 (2019)*.

PLAIN AND ORDINARY MEANING. --It is a fundamental principle of statutory construction that the court must give words their plain and ordinary meaning, pursuant to *O.C.G.A. § 1-3-1(b)*; therefore, because *O.C.G.A. § 9-12-61* recites explicitly that revival of a dormant judgment may be accomplished by "an action" within three years of when the judgment became dormant, not by "a judgment" within that time period, the General Assembly intended that dormant judgments could be revived during a three year period thereafter by bringing an action into existence, i.e., filing an action. *Magnum Communs. Ltd. v. Samoluk, 275 Ga. App. 177, 620 S.E.2d 439 (2005)*.

In an action in which the plaintiff consumer filed a complaint under the Georgia Fair Business Practices Act (FBPA), *O.C.G.A. § 10-1-390* et seq., and the Georgia Unfair or Deceptive Practices Toward the Elderly Act, *O.C.G.A. § 10-1-850* et seq., and the lender argued for dismissal because the language of *O.C.G.A. § 10-1-851* required conduct directed at more than one elderly person, the argument was rejected; consistent with *O.C.G.A. § 1-3-1(d)(6)*, and the use of plurals or the singular form in *O.C.G.A. §§ 10-1-850*, *10-1-852*, and *10-1-853*, *O.C.G.A. § 10-1-851* required only a showing that FBPA was violated against one elderly person. Kitchen v. Ameriquest Mortg. Co., No. 1:04-*CV-2750-BBM, 2005 U.S. Dist. LEXIS 43937 (N.D. Ga. Apr. 29, 2005)*.

Trial court properly reversed a decision by the Georgia Workers' Compensation Appellate Division and reinstated a decision of an administrative law judge who found that an employee suffered a "catastrophic injury" for purposes of *O.C.G.A. § 34-9-200.1(g)(6)*, as the employee was unable to perform the prior work done, although the employee was able to perform other work available in substantial numbers within the national economy; the relevant provision of *O.C.G.A. § 34-9-200.1(g)(6)* used "or" between the two types of work that an employee could

perform rather than "and" and that phraseology was deemed unambiguous, plain, and capable of having only one meaning, based on statutory interpretation rules under *O.C.G.A. § 1-3-1(a)* and legislative changes over time to *O.C.G.A. § 34-9-200.1(g)(6)*. *Rite-Aid Corp. v. Davis, 280 Ga. App. 522, 634 S.E.2d 480 (2006)*.

Under the plain and ordinary language of *O.C.G.A. § 17-6-72(d)(1)*, a bondsman who failed to assist in the arrest of the principal of its bond was not entitled to a 50 percent remission of the bond, and the district attorney's consent to the bondsman's motion had no legal effect, as such was not accepted by the trial court. *Joe Ray Bonding Co. v. State of Ga., 284 Ga. App. 687, 644 S.E.2d 501 (2007)*.

Pursuant to the cardinal rule of statutory construction of *O.C.G.A. § 1-3-1(a)*, the plaintiffs had no standing to challenge

the facial constitutionality of *O.C.G.A. § 16-11-34.2(b)(2)* and (b)(4), the funeral picketing statute, because the plaintiffs admitted that the plaintiffs did not intend to impede, disrupt, or interfere with any funerals; thus, without mens rea, there was no real risk of being prosecuted and the plaintiffs had not been threatened with arrest. *Hood v. Perdue, 540 F. Supp. 2d 1350 (N.D. Ga. 2008)*.

IN CONSTRUING CONFLICTING LEGITIMATION STATUTES, which permitted a jury trial (*O.C.G.A. § 19-7-22*), with paternity statute, which expressly prohibited a jury trial (*O.C.G.A. § 19-7-40*), and due to the fact that the two proceedings were consolidated, the legislative ban on jury trials provided for in the paternity statute had to prevail as to hold otherwise would allow a party to thwart the paternity statute's goals of identifying the father and making sure the father paid child support. *Banks v. Hopson, 275 Ga. 758, 571 S.E.2d 730 (2002)*.

"BRIBERY" HAS CLEAR DEFINITION. --Within the context of *O.C.G.A. § 16-10-2(a)(2)*, it is only "gifts" which are excepted from the purview thereof and not "bribes," no matter how small the amount involved; accordingly, where a trial court construed *§ 16-10-2* and held that small amounts of cash that added up to less than $100, which were accepted by defendant, a detention officer, from inmates, were specifically excepted from the offense of bribery, it did not construe the statute using the ordinary meaning of the words pursuant to *O.C.G.A. § 1-3-1(b)*, which was error. *State v. Fortner, 264 Ga. App. 783, 592 S.E.2d 454 (2003)*.

STATUTE SHALL BE CONSTRUED SO AS TO GIVE FULL FORCE AND EFFECT TO ALL PROVISIONS and so as to reconcile any apparent conflicts. *Head v. H.J. Russell Constr. Co., 152 Ga. App. 864, 264 S.E.2d 313 (1980)*.

NOSCITUR A SOCIIS IS A FAMILIAR RULE OF CONSTRUCTION, and so as to reconcile any apparent conflicts. *Head v. H.J. Russell Constr. Co., 152 Ga. App. 864, 264 S.E.2d 313 (1980)*.

ANY PORTION OF BODY OF LAWS MAY BE INVOKED TO ASCERTAIN MEANING OF ANOTHER PART. Royal Indem. Co. v. Agnew, 66 Ga. App. 377, 18 S.E.2d 57 (1941).

CLAUSE'S MEANING MANIFESTED BY CONTEXT AND SUBJECT MATTER. --The meaning of a clause in a statute depends upon the intention with which it is used as manifested by the context and considered with reference to the subject matter to which it relates. *Thomas v. MacNeill, 200 Ga. 418, 37 S.E.2d 705 (1946)*.

RULE EJUSDEM GENERIS SET FORTH IN SECTION. --The rule ejusdem generis, to the effect that general terms following specific terms are confined to the same kind, is set forth in this section. *Gore v. State, 79 Ga. App. 696, 54 S.E.2d 669 (1949)*.

"MAY" SOMETIMES CONSTRUED AS MANDATORY. --In statutory construction, "may" is construed as mandatory when the statute concerns the public interest, or affects the rights of third persons. *Great N. Nekoosa Corp. v. Board of Tax Assessors, 244 Ga. 624, 261 S.E.2d 346 (1979)*.

STATUTES GENERALLY RECEIVE PROSPECTIVE RATHER THAN RETROSPECTIVE APPLICATION. -- Statutes framed in general terms and not plainly indicating the contrary will be construed prospectively, so as to apply to persons, subjects, and things within their purview and scope coming into existence subsequent to their enactment. *Undercofler v. Swint, 111 Ga. App. 117, 140 S.E.2d 894 (1965)*.

REPEAL OF VALID STATUTE BY IMPLICATION. --A valid subsisting statute is not repealed by implication by a later Act unless they are generally inconsistent or unless the later Act covers the entire field of the former legislation. *Taylor v. R.O.A. Motors, Inc., 108 Ga. App. 635, 134 S.E.2d 486 (1963)*.

Repeals by implication are not favored by law, and a subsequent statute repeals prior legislative Acts by implication only when they are clearly and indubitably contradictory, when they are in irreconcilable conflict with each other, and when they cannot reasonably stand together. *Sutton v. Garmon, 245 Ga. 685, 266 S.E.2d 497 (1980)*.

STATUTORY REMEDY IN DEROGATION OF THE COMMON LAW MUST BE STRICTLY PURSUED. Haralson v. Speer, 1 Ga. App. 573, 58 S.E. 142 (1907); *Seaboard Air-Line Ry. v. Bishop, 132 Ga. 71, 63 S.E. 1103 (1909)*.

EACH CASE INVOLVING JUDICIAL TRANSACTION OF SECTIONS STANDS ON OWN FACTS. --A section involving civil law is frequently a compendium of the legal technique involved in the subject matter in question. The translation of sections is reflected by the courts in decisions rendered relative to the sections and are sometimes seemingly paradoxical, but a sincere student of the law will be able to readily discern and agree that in many fields of law each case must stand upon its own facts. *Bromberg v. Drake, 91 Ga. App. 118, 85 S.E.2d 160 (1954)*.

CONSTRUCTION IS NOT FOR JURY. --What is proper construction to be given to a statute is for court and not for jury. *City of Fitzgerald v. Newcomer, 162 Ga. App. 646, 291 S.E.2d 766 (1982)*.

LEGISLATIVE INTENT

COURTS MUST LOOK DILIGENTLY FOR INTENTION OF THE GENERAL ASSEMBLY IN ENACTING THE LEGISLATION UNDER REVIEW. Vickery v. Foster, 74 Ga. App. 167, 39 S.E.2d 90 (1946), rev'd on other grounds, *202 Ga. 55, 42 S.E.2d 117 (1947)*, rev'd on other grounds, *202 Ga. 55, 42 S.E.2d 117 (1947)*.

The cardinal rule for the construction of statutes is to try to ascertain the intent of the *General Assembly. Lamons v. Yarbrough, 206 Ga. 50, 55 S.E.2d 551 (1949)*.

The cardinal rule to guide the construction of law is, first, to ascertain the legislative intent and purpose in enacting the law, and then to give it that construction which will effectuate the legislative intent and purpose. *City of Jesup v. Bennett, 226 Ga. 606, 176 S.E.2d 81 (1970)*; *Hollowell v. Jove, 247 Ga. 678, 279 S.E.2d 430 (1981)*.

The cardinal rule in the construction of statutes is to look for the intention of the General Assembly, and the intention when ascertained must be carried into effect. *Moss v. Bishop, 235 Ga. 616, 221 S.E.2d 38 (1975)*, overruled on other grounds, *Shaheen v. Dunaway Drug Stores, Inc., 246 Ga. 790, 273 S.E.2d 158 (1980)*.

It is the duty of courts in the construction of statutes to give effect to the intention of the General Assembly when it is ascertainable. *Parker v. Ryder Truck Lines, 150 Ga. App. 163, 257 S.E.2d 18 (1979)*.

The cardinal rule in the construction of legislative enactments is to ascertain the true intention of the General Assembly in the passage of the law. *Board of Trustees v. Christy, 246 Ga. 553, 272 S.E.2d 288 (1980)*, overruled on other grounds, *278 Ga. 166, 598 S.E.2d 456 (2004)*.

It is fundamental that courts must look to the purpose and intent of the General Assembly and construe the law to implement that intent. *Wilson v. Board of Regents, 246 Ga. 649, 272 S.E.2d 496 (1980)*.

In interpreting statutes, courts must look for the intent of the legislature and construe statutes to effectuate that intent; all words, except words of art, shall be given their ordinary significance. *City of Roswell v. City of Atlanta, 261 Ga. 657, 410 S.E.2d 28 (1991)*.

CONSTRUCTION OF A STATUTE MUST SQUARE WITH COMMON SENSE AND SOUND REASONING. Blalock v. State, 166 Ga. 465, 143 S.E. 426 (1928).

LANGUAGE IN AN ORDINANCE WILL BE GIVEN A REASONABLE AND SENSIBLE INTERPRETATION in order to carry out the legislative intent and render an ordinance valid. *Mayor of Hapeville v. Anderson, 246 Ga. 786, 272 S.E.2d 713 (1980)*.

WHEN SECTION PLAIN AND POSITIVE, COURT CANNOT CONSTRUE LEGISLATIVE INTENT. --Just as is the rule in construing statutes, where a section is plain, unambiguous, and positive, and is not capable of two constructions, the court is not authorized to construe it according to what is supposed to be the intention of the *General Assembly. Atlanta & W.P.R.R. v. Wise, 190 Ga. 254, 9 S.E.2d 63 (1940)*.

COURTS ARE NOT CONTROLLED BY LITERAL MEANING OF LAW in arriving at intention of *General Assembly. State v. Brantley, 147 Ga. App. 569, 249 S.E.2d 365 (1978)*.

INTENTION OF THE GENERAL ASSEMBLY, WHEN DISCOVERED, SHALL PREVAIL. Akin v. Freeman, 49 Ga. 51 (1873).

Statutes are not contracts, and it is intent of the General Assembly and not of any other "party" which is decisive in their construction. *City of Fitzgerald v. Newcomer, 162 Ga. App. 646, 291 S.E.2d 766 (1982)*.

WHEN INTENTION IS ASCERTAINED, IT GOVERNS, and mere letter of statute must yield to spirit. *Roberts v. State, 4 Ga. App. 207, 60 S.E. 1082 (1908)*. see also *Demere v. Germania Bank, 116 Ga. 317, 42 S.E. 488 (1902)*; *Youmans v. State, 7 Ga. App. 101, 66 S.E. 383 (1909)*, ;.

Intention governs and this is true even though some of the verbiage may have to be eliminated from the text. *Washington v. Atlantic Coast Line R.R., 136 Ga. 638, 71 S.E. 1066, 38 L.R.A. (n.s.) 867 (1911)*.

The intention of the General Assembly is the cardinal guide to a construction of statutes, and when it is plainly collected, it should be carried into effect, though contrary to the literal sense of terms. *Thacker v. Morris, 196 Ga. 167, 26 S.E.2d 329 (1943)*.

While all parts of a statute should be preserved, yet a cardinal rule of construction is that the legislative intent shall be effectuated, even though some verbiage may have to be eliminated. The legislative intent should prevail over the literal import of the words. *Jones v. City of College Park, 223 Ga. 778, 158 S.E.2d 384 (1967)*.

The real legislative intention, when collected with certainty, will always, in statutes, prevail over the literal sense of terms. *City of Jesup v. Bennett, 226 Ga. 606, 176 S.E.2d 81 (1970)*.

STATUTE NOT CONSTRUED LITERALLY WHERE LEGISLATIVE PURPOSE DEFEATED. --An exception to the general rule that the use of plain and unequivocal language in a legislative enactment obviates any necessity for judicial construction is presented by the use of words the meaning of which in general acceptation is apparently obvious, and yet the purpose of the General Assembly would be defeated were the words employed construed literally. *Bibb County v. Hancock, 211 Ga. 429, 86 S.E.2d 511 (1955)*.

Where to construe an Act of the General Assembly in a particular way would, while hewing to its literal terms, result in defeating the obvious legislative purposes and intent, such construction will not be given where an obvious typographical or clerical error can be corrected so as to carry out the intent. *City of Jesup v. Bennett, 226 Ga. 606, 176 S.E.2d 81 (1970)*.

Courts may construe the language employed in the Act in connection with the context, and ascertain the legislative intent as derived from the old law, the evil, and the remedy, and will not defeat the intention and purpose of the General Assembly by giving effect to words which would render the purpose of the General Assembly in the passage of the enactment futile, unenforceable, or ineffectual. *Board of Trustees v. Christy, 246 Ga. 553, 272 S.E.2d 288 (1980)*.

COURTS OBLIGATED TO REFRAIN FROM ASCRIBING UNREASONABLE INTENTION TO GENERAL ASSEMBLY. --Even though the literal language of an Act may be plain and unequivocal, it is the duty of the courts, in determining the legislative intent, to refrain from ascribing to the General Assembly a wholly unreasonable intention or an intention to do a futile and useless thing. *City of Jesup v. Bennett, 226 Ga. 606, 176 S.E.2d 81 (1970)*.

It is the duty of the court to consider the results and consequences of any proposed construction and not so construe a statute that will result in unreasonable or absurd consequences not contemplated by the *General Assembly. GECC v. Brooks, 242 Ga. 109, 249 S.E.2d 596 (1978)*.

A court may decline to give a legislative Act such construction as will attribute to the General Assembly an intention to pass an Act which is not reasonable, or as will defeat the purpose of the proposed legislation. *Board of Trustees v. Christy, 246 Ga. 553, 272 S.E.2d 288 (1980)*.

STATUTE'S GENERAL LANGUAGE RESTRAINED WHERE ABSURDITY RESULTS. --To give effect to the intention of the General Assembly, courts are not controlled by the literal meaning of the language of the statute, but the spirit or intention of the law prevails over the letter thereof. Where the letter of the statute results in absurdity or injustice or would lead to contradictions, the meaning of general language may be restrained by the spirit or reason of the statute. *Sirmans v. Sirmans, 222 Ga. 202, 149 S.E.2d 101 (1966)*.

PRESERVATION OF ACT PREFERRED. --It is the duty of the court to arrive at the legislative intent, and, in doing so, it should not adopt an arbitrary rule that the General Assembly intended to make a typographical or clerical error, the result of which would be to make nonsense of the Act and not carry out the legislative scheme, but to destroy it. *Lamons v. Yarbrough, 206 Ga. 50, 55 S.E.2d 551 (1949)*.

The construction of a statute which will give effect to legislative intent and preserve the Act is preferred to a construction which will necessarily destroy it. *Webb v. Echols, 211 Ga. 724, 88 S.E.2d 625 (1955)*.

STATUTE'S INTENT NOT DEFEATED WHERE MISTAKEN REFERENCE TO ANOTHER STATUTE. --In case of a mistake in a reference in a statute to another statute, where the real intent of the General Assembly is manifest and would be defeated by an adherence to the terms of the mistaken reference, and the Act is otherwise a complete Act within itself, the mistaken reference will be regarded as surplusage, or will be read and corrected, in order to give effect to the legislative intent. *Humthlett v. Reeves, 211 Ga. 210, 85 S.E.2d 25 (1954)*.

Where an Act references another statute by mistake, such error will not defeat the Act if the intent of the legislation is clear. *Wilson v. Board of Regents, 246 Ga. 649, 272 S.E.2d 496 (1980)*.

LEGISLATION'S SCHEME AND PURPORT CRITERION FOR DETERMINING ENACTMENT'S MEANING. --One proper criterion for determining the meaning of a legislative enactment is to consider the general

scheme and purport of the proposed legislation. *Pennington & Evans v. Douglas, A. & G. Ry., 3 Ga. App. 665, 60 S.E. 485 (1908)*.

OLD LAW, MISCHIEF, AND REMEDY CONSIDERED AT ARRIVING AT LEGISLATIVE INTENTION. -- This section directs that statutes be construed with reference to the intention of the General Assembly, and that the old law, the mischief, and the remedy be considered to arrive at that intention. *Everett v. Planters' Bank, 61 Ga. 38 (1878)*; *Mott v. Central R.R., 70 Ga. 680, 48 Am. R. 595 (1883)*; *Barrett & Caswell v. Pulliam, 77 Ga. 552 (1886)*; *Price Co. v. City of Atlanta, 105 Ga. 358, 31 S.E. 619 (1898)*; *Hazlehurst v. Seaboard Air-Line Ry., 118 Ga. 858, 45 S.E. 703 (1903)*; *Sullivan v. Curling, 149 Ga. 96, 99 S.E. 533*, *5 A.L.R. 124 (1919)*; *Georgia Ry. & Elec. Co. v. Town of Decatur, 29 Ga. App. 653, 116 S.E. 645 (1923)*.

To ascertain the intention of the General Assembly, after examining the words of the Act itself, it is necessary to take into view every fact and circumstance that influenced its passage. The court must consider what the law was before, the mischiefs against which the law did not provide, the nature of the remedy proposed, and the true reason of the remedy. *McGuire v. McGuire, 228 Ga. 782, 187 S.E.2d 859 (1972)*.

WHERE SECTION CODIFIED FROM COURT DECISION, CONSTRUED TO CONFORM TO EXISTING LAW. --Where a section has been codified from a decision of the Supreme Court or of the Court of Appeals, the section will be construed, insofar as is compatible with its terms, so as to conform to the then existing law. *Atlanta & W.P.R.R. v. Wise, 190 Ga. 254, 9 S.E.2d 63 (1940)*.

ACT AS ENROLLED CONTROLS OVER APPEARANCE IN PRINTED VOLUME. --Where there is a conflict between the language of an Act of the General Assembly as it is enrolled and as it appears in the volume published by the public printer, the former controls. *Bass v. Doughty, 5 Ga. App. 458, 63 S.E. 516 (1909)*.

GENERAL ASSEMBLY'S INTENTION DERIVABLE FROM ACTS CAPTION. --Nothing is better settled than that the intention of the General Assembly in the passage of a law is derivable as well from the caption of the Act as from the body of the Act itself. *Sovereign Camp Woodmen of the World v. Beard, 26 Ga. App. 130, 105 S.E. 629*, cert. denied, *26 Ga. App. 801 (1921)*.

ALL WORDS OF GENERAL ASSEMBLY, HOWEVER NUMEROUS, OUGHT TO BE PRESERVED, and effect given to whole, if it can be done. No doubt courts could sometimes better legislation by rejecting some of the words delivered to them by the General Assembly for construction, but to do this, courts have no power. *Butterworth v. Butterworth, 227 Ga. 301, 180 S.E.2d 549 (1971)*.

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In the construction of a statute the legislative intent must be determined from a consideration of it as a whole. *Board of Trustees v. Christy, 246 Ga. 553, 272 S.E.2d 288 (1980)*.

LARGER AND MORE EXTENSIVE STATUTORY EXPRESSION CONTROLS. --Where a particular expression in one part of a statute is not so extensive or large in its import as other expressions in the same statute, it must yield to the larger and more extensive expression, where the latter embodies the real intent of the *General Assembly. Board of Trustees v. Christy, 246 Ga. 553, 272 S.E.2d 288 (1980)*.

WHERE THERE IS APPARENT CONFLICT BETWEEN DIFFERENT SECTIONS OF SAME STATUTE, the duty of a court is to reconcile them, if possible, so as to make them consistent and harmonious with one another,

and if they cannot be so reconciled, the one which best conforms to the legislative intent must stand. *Board of Trustees v. Christy, 246 Ga. 553, 272 S.E.2d 288 (1980)*.

ONE OF TWO PROVISOS SHOULD NOT BE REJECTED AS SENSELESS OR SUPERFLUOUS. --The rule of construction that effect is to be given to all the words of a statute forbids that two provisos should be treated as having no more scope or significance than one of them would have if standing alone. It is better to wait for a legislative amendment than to arbitrarily reject one of the provisos as senseless or superfluous. *Butterworth v. Butterworth, 227 Ga. 301, 180 S.E.2d 549 (1971)*.

SEVERABILITY CLAUSE CREATES PRESUMPTION OF SEPARABILITY. --The presence of a severability clause in an Act reverses the usual presumption that the General Assembly intends the Act to be an entirety and creates an opposite presumption of separability. *City Council v. Mangelly, 243 Ga. 358, 254 S.E.2d 315 (1979)*.

LEGISLATIVE INTENT MAY BE GATHERED FROM CONSTRUING TOGETHER SECTION AND ACTS AFFECTING IT. Commissioners of Rds. & Revenues v. Burns, 118 Ga. 112, 44 S.E. 828 (1903).

STATUTES "IN PARI MATERIA" CONSTRUED TOGETHER. --It is an elementary rule of statutory construction that a statute must be construed in relation to other statutes of which it is a part, and all statutes relating to the same subject matter, briefly called statutes "in pari materia," are construed together and harmonized wherever possible, so as to ascertain the legislative intendment and give effect thereto. *Ryan v. Commissioners of Chatham County, 203 Ga. 730, 48 S.E.2d 86 (1948)*.

In the construction of a statute, all laws in pari materia should be considered in order to ascertain the intention of the *General Assembly. Undercofler v. L.C. Robinson & Sons, 111 Ga. App. 411, 141 S.E.2d 847*, aff'd, *221 Ga. 391, 144 S.E.2d 755 (1965)*, overruled on other grounds, *Worthen v. State, 2019 Ga. LEXIS 22 (Ga. 2019)*.

EXCEPT WHERE LANGUAGE CLEAR. --Statutes in pari materia may not be resorted to where language under consideration is clear, but where the terms of the statute to be construed are ambiguous or its significance is of a doubtful character, it becomes necessary to give proper consideration to other related statutes in order to ascertain the legislative intent in reference to the whole system of laws of which the doubtful statute is a part. *Butterworth v. Butterworth, 227 Ga. 301, 180 S.E.2d 549 (1971)*.

UNCLEAR LAW CONSTRUED IN LIGHT OF WHOLE SYSTEM OF LAWS. --While the Supreme Court recognizes the rule that statutes in pari materia may not be resorted to where the language of the statute under consideration is clear, it is equally as well settled that, where the terms of the statute to be construed are ambiguous or its significance is of a doubtful character, it becomes necessary to give proper consideration to other related statutes in order to ascertain the legislative intent in reference to the whole system of laws of which the doubtful statute is a part. *Ryan v. Commissioners of Chatham County, 203 Ga. 730, 48 S.E.2d 86 (1948)*.

PENAL STATUTES ARE STRICTLY CONSTRUED, YET NOT SO AS TO DEFEAT GENERAL ASSEMBLY'S INTENTION. Holland v. State, 34 Ga. 455 (1866), ;. see also *Atlantic Coast Line R.R. v. State, 135 Ga. 545, 69 S.E. 725, 32 L.R.A. (n.s.) 20 (1910)*, aff'd, *234 U.S. 280, 34 S. Ct. 829, 58 L. Ed. 1312 (1914)*.

IT IS GENERAL RULE THAT TAX LAWS ARE STRICTLY CONSTRUED AGAINST GOVERNMENT and in favor of the citizen (*Georgia Paper Stock Co. v. State Tax Bd., 174 Ga. 816, 164 S.E. 197 (1932)*); but the cardinal rule is to ascertain the intention of the General Assembly in passing the legislation. *O'Neal v. Whitley, 177 Ga. 491, 170 S.E. 376 (1933)*.

PURPOSE OF NEW CIVIL PROCEDURE PROVISION TO SPEED UP CIVIL ACTIONS. --One of the evils of the old law of civil procedure was that it was regarded as being too slow, and one of the purposes of the new law is to speed up civil actions. *Scott v. State, 75 Ga. App. 684, 44 S.E.2d 391 (1947)*.

APPROPRIATION ACT REFERRING TO UNENACTED AUTHORIZING BILL. --Where, in enacting a line item of the "General Appropriations Act," reference was made to an authorizing senate bill which was never enacted, but the legislative history was clear that the principles of that bill were enacted into law under a bill by another number and became former Code 1933, § 88-1825 (see now *O.C.G.A. § 31-7-95*), the Act was valid. *Wilson v. Board of Regents, 246 Ga. 649, 272 S.E.2d 496 (1980)*.

CONSTRUCTION WITH HOMESTEAD EXEMPTION STATUTE. --Chapter 7 trustee's objection to a debtor's claim for a $20,000 exemption in debtor's residence under the Georgia homestead exemption statute, *O.C.G.A. § 44-13-100(a)(1)*, was overruled because: (1) *O.C.G.A. § 1-3-1* did not invite a court to usurp the power of the General Assembly by legislating from the bench each time the exemption statute created an unusual result; (2) the duration of the debtor's separation from the debtor's wife, while indicative of a desire to discontinue the traditional role of spouse, was not determinative of a circumstance that would authorize the court to consider such a person as an entity other than a "spouse" as used in the homestead exemption statute; and (3) there was no basis for inferring legislative intent to allow married couples, whether they lived together or separately, to spread a $20,000 exemption across multiple residences. *In re Green, 319 B.R. 913 (Bankr. M.D. Ga. 2004)*.

CONSTRUCTION WITH *O.C.G.A. § 9-11-6*. --Because the responding party timely responded to a summary judgment motion, pursuant to *Ga. Unif. Super. Ct. R. 6.3*, given the appellate court's construction of both *O.C.G.A. §§ 1-3-1* and *9-11-6*, the trial court erred in denying that the oral argument on the motion and in granting summary judgment to the movant. *Green v. Raw Deal, Inc., 290 Ga. App. 464, 659 S.E.2d 856 (2008)*.

WORDS' SIGNIFICATION

ENACTMENT OF LEGISLATION REQUIRING JUDICIAL DEFINITIONS CONSTITUTIONAL. --One of the traditional functions of courts is to interpret and construe legislative enactments. There is no due process prohibition on the enactment of legislation which requires definitions to be provided by the judiciary. *Bell v. Barrett, 241 Ga. 103, 243 S.E.2d 40 (1978)*.

STATUTE'S WORDS, IF OF COMMON USE, ARE TAKEN IN NATURAL AND ORDINARY SIGNIFICATION. Price Co. v. City of Atlanta, 105 Ga. 358, 31 S.E. 619 (1898); *Southern Bell Tel. & Tel. Co. v. Parker, 119 Ga. 721, 47 S.E. 194 (1904)*; *Robinson v. State, 11 Ga. App. 847, 76 S.E. 1061 (1912)*; *Gatlin v. State, 18 Ga. App. 9, 89 S.E. 345 (1915)*.

By the mandate of this section, the courts are required to give a word its ordinary signification. *Thompson v. Eastern Air Lines, 200 Ga. 216, 39 S.E.2d 225 (1946)*.

The intention of the General Assembly is to be gathered from the statute as a whole so as to give effect to each of its parts and at the same time harmonize, if possible, the component parts, and in determining this intention, the words of the statute are to be given their ordinary and usual signification. *In re Ga. Air, Inc., 345 F. Supp. 636 (N.D. Ga. 1972)*.

Although a statute does not undertake to define each of the words contained therein, this will not automatically render the statute vague, indefinite, or uncertain in meaning, since the ordinary signification shall be applied to all words, except words of art or words connected with a particular trade or subject matter. *Anderson v. Little & Davenport Funeral Home, 242 Ga. 751, 251 S.E.2d 250 (1978)*.

EVERY WORD EMPLOYED SHOULD BE EXPOUNDED IN ITS PLAIN, OBVIOUS, AND COMMONSENSE MEANING unless something else furnishes ground to control, qualify, or enlarge it. *Wellborn v. Estes, 70 Ga. 390 (1883)* see also *Booth v. Saffold, 46 Ga. 278 (1872)*; *Mott v. Central R.R., 70 Ga. 680, 48 Am. R. 595 (1883)*; *Richmond & D.R.R. v. Howard, 79 Ga. 44, 3 S.E. 426 (1887)*.

ABSENT WORDS OF LIMITATION, STATUTORY WORDS SHOULD BE GIVEN ORDINARY AND EVERYDAY MEANING. Risser v. City of Thomasville, 248 Ga. 866, 286 S.E.2d 727 (1982).

IN CONSTRUING A CONSTITUTIONAL PROVISION, THE ORDINARY SIGNIFICATION SHALL BE APPLIED TO WORDS. Thomas v. MacNeill, 200 Ga. 418, 37 S.E.2d 705 (1946).

IN CONSTRUING STATUTES, THEIR ORDINARY SIGNIFICATION SHALL BE APPLIED TO ALL WORDS, except in certain defined cases. The same rule of construction is applicable to constitutional provisions. *Jones v. Darby, 174 Ga. 71, 161 S.E. 835 (1931)*.

CONSTRUING STATUTORY PART OUT OF CONTEXT INADMISSIBLE. --It is inadmissible to mutilate a statute by lifting a mere segment out of its context and construe it without consideration of all other parts of the *Act. In re Ga. Air, Inc., 345 F. Supp. 636 (N.D. Ga. 1972)*.

"NOMINATIONS FROM THE FLOOR SHALL ALWAYS BE IN ORDER" CONSTRUED. --The words "Nominations from the floor shall always be in order," in a by-law are to be given their ordinary signification, and the plain and obvious meaning of the language employed is that nominations from the floor are always in order until an election has in fact been held. *Hornady v. Goodman, 167 Ga. 555, 146 S.E. 173 (1928)*.

TERM "COMMON OR CONTRACT CARRIER" SHOULD BE GIVEN ITS ORDINARY SIGNIFICATION in the construction of Ga. L. 1937, Ex. Sess., p. 259 (see now O.C.G.A. § 48-10-2(10)). *Undercofler v. L.C. Robinson & Sons, 111 Ga. App. 411, 141 S.E.2d 847*, aff'd, *221 Ga. 391, 144 S.E.2d 755 (1965)*, overruled on other grounds, *Worthen v. State, 2019 Ga. LEXIS 22 (Ga. 2019)*.

"BONA FIDE" MEANT GENUINE OR REAL. --Services provided by an emergency room physician to a patient who presented with a high pressure puncture wound to one hand were "bona fide emergency services" under *O.C.G.A. § 51-1-29.5(a)(5)*, because they were genuine or actual; it was not required that the services be provided in good faith. *Abdel-Samed v. Dailey, 294 Ga. 758, 755 S.E.2d 805 (2014)*.

NEWSPAPER HEADQUARTERED IN ANOTHER STATE NOT "PUBLISHED WITHIN THE COUNTY". --County officials' decision under *O.C.G.A. § 9-13-142* to change the county's legal organ to a newspaper that was headquartered across the state line in Tennessee was properly enjoined by the trial court because the paper was edited, formatted, and issued in Tennessee; it was not "published within the county" as required by *§ 9-13-142(a)*. *Catoosa County v. Rome News Media, LLC, 349 Ga. App. 123, 825 S.E.2d 507 (2019)*.

A RIDING LAWNMOWER WAS NOT A "MOTOR VEHICLE" AS THAT TERM WAS USED IN THE STATUTE PUNISHING THEFT OF A MOTOR VEHICLE, *O.C.G.A. § 16-8-12(A)(5)(A)*; a defendant's conviction was reversed. A motor vehicle was defined by the court for purposes of *§ 16-8-12(a)(5)(A)* as a self-propelled vehicle with wheels that was designed to be used, or was ordinarily used, to transport people or property on roads. *Harris v. State, 286 Ga. 245, 686 S.E.2d 777 (2009)*.

STATUTORY WORDS ARE NOT GIVEN ORDINARY MEANING WHEN LEGISLATIVE PURPOSE WOULD BE FRUSTRATED. --Assuming an ascertainable legislative intention, words should be construed so as to give full effect thereto. *Bohannon v. Manhattan Life Ins. Co., 555 F.2d 1205 (5th Cir. 1977)*.

USE OF EXPERTS. --It is proper to use experts to give the definition of words of art or words connected with a particular trade or subject matter, such as the correct name for a narcotic. *Williamson v. State, 134 Ga. App. 864, 216 S.E.2d 684 (1975)*, overruled on other grounds, *Cole v. State, 142 Ga. App. 461, 236 S.E.2d 125 (1977)*.

SUBSTANTIAL STATUTORY COMPLIANCE

STATUTE DIRECTORY WHERE NO NEGATIVE WORDS NOR INJURIES RESULTING FROM DISREGARD. --Where a statute directs the doing of a thing in a certain time, without any negative words restraining the doing of it afterwards, generally the provision as to time is directory and not a limitation of authority; and in such case, where no injury appears to have resulted, the fact that the Act was performed after the time limit will not render it invalid. *O'Neal v. Spencer, 203 Ga. 588, 47 S.E.2d 646 (1948)*; *State v. Battise, 177 Ga. App. 583, 340 S.E.2d 240 (1986)*; *Moreton Rolleston, Jr., Living Trust v. Glynn County Bd. of Tax Assessors, 240 Ga. App. 405, 523 S.E.2d 600 (1999)*, cert. denied, *2000 Ga. LEXIS 97 (2000)*.

Generally, statutes directing the mode of proceeding by public officers, designated to promote method, system uniformity, and dispatch in such proceedings, will be regarded as directory if a disregard thereof will not injure the rights of parties, and the statute does not declare what result shall follow noncompliance therewith, nor contain negative words importing a prohibition of any other mode of proceeding than that prescribed. *Collins v. Nix, 125 Ga. App. 520, 188 S.E.2d 235 (1972)*; *State v. Battise, 177 Ga. App. 583, 340 S.E.2d 240 (1986)*.

SUBSTANTIAL COMPLIANCE BY PUBLIC OFFICERS WITH STATUTORY REQUIREMENTS SHALL BE DEEMED SUFFICIENT. Hart v. Columbus, 125 Ga. App. 625, 188 S.E.2d 422 (1972).

REASONABLE CARE INSUFFICIENT. --Where a substantial compliance with a statute by a railway company would be sufficient, the duty of compliance to that extent would be absolute, and the company would not have discharged the duty merely by the exercise of reasonable care to that end. *Lime-Cola Bottling Co. v. Atlanta & W.P.R.R., 34 Ga. App. 103, 128 S.E. 226 (1925)*.

QUESTION OF SUBSTANTIAL COMPLIANCE NOT FOR JURY. --It should not be left to the jury to determine whether a party could or could not substantially comply with the law. *Lime-Cola Bottling Co. v. Atlanta & W.P.R.R., 34 Ga. App. 103, 128 S.E. 226 (1925)*.

STATEMENT OF COSTS PREPARED BY JUDGE COMPLIES WITH SECTION. --A statement of costs on record in the court, prepared by the ordinary (now probate court judge), furnished a substantial compliance with the requirements of this section. *Cooper v. Lunsford, 203 Ga. 166, 45 S.E.2d 395 (1947)*.

SUBSTANTIAL COMPLIANCE WITH RESPECT TO ISSUING AND SERVING OF PROCESS WILL BE SUFFICIENT, and where notice is given, no technical or formal objection shall invalidate any process. *Gainesville Feed & Poultry Co. v. Waters, 87 Ga. App. 354, 73 S.E.2d 771 (1952)*.

IT IS SUFFICIENT IF PROVISIONS OF *O.C.G.A. § 5-6-38* ARE SUBSTANTIALLY COMPLIED WITH in the notification of appeal process. *Oller v. State, 187 Ga. App. 818, 371 S.E.2d 455 (1988)*.

SUBSTANTIAL COMPLIANCE WITH REGISTRATION REQUIREMENT. --Trial court erred in granting a motion to dismiss for failure to have a certificate of authority at the time the complaint was filed since the plaintiff substantially complied with the registration requirements for a foreign corporation by obtaining a certificate of authority later. *Health Horizons, Inc. v. State Farm Mut. Auto. Ins. Co., 239 Ga. App. 440, 521 S.E.2d 383 (1999)*, cert. denied, *2000 Ga. LEXIS 35 (2000)*, cert. denied, *2004 Ga. LEXIS 241 (2004)*.

SUBSTANTIAL COMPLIANCE WITH GEORGIA HISTORIC PRESERVATION ACT. --Because the Georgia Historic Preservation Act (HPA), O.C.G.A. § 44-1-20 et seq., does not expressly provide that a county's failure to strictly comply with the HPA's uniform procedures invalidates an ordinance adopted thereunder, and because the developers failed to show the developers were harmed by the county's alleged failure to strictly comply with the procedures of the HPA, the trial court properly applied the "substantial compliance" standard of review. *Buckler v. DeKalb County Bd. of Comm'rs, 299 Ga. App. 465, 683 S.E.2d 22 (2009)*, cert. denied, *No. S09C2027, 2010 Ga. LEXIS 3 (Ga. 2010)*.

NO PREJUDICE TO SUBSTANTIVE RIGHT AS CONSEQUENCE OF ADMINISTRATIVE CONTINUANCE OF HEARING. --See *Hardison v. Fayssoux, 168 Ga. App. 398, 309 S.E.2d 397 (1983)*.

NOTICE TO POLICYHOLDERS. --Evidence that mass mailings were sent to several thousands of policyholders by an insurance company was not substantial compliance with a statutory requirement that optional no-fault insurance coverage was expressly offered to a particular insured. *Shave v. Allstate Ins. Co., 549 F. Supp. 1006 (S.D. Ga. 1982)*.

TAX REFUND. --The notice of a tax refund claim filed pursuant to *O.C.G.A. § 48-5-380* was not deficient, where the notice clearly stated a summary of grounds upon which the taxpayer relied. There is no requirement that the summary of grounds must be the exact grounds upon which refund is ultimately authorized; the notice was in substantial compliance with *§ 48-5-380*. *City of College Park v. Atlantic S.E. Airlines, 194 Ga. App. 637, 391 S.E.2d 460 (1990)*.

SUBSTANTIAL COMPLIANCE NOT SUFFICIENT WHEN STATUTE IS UNAMBIGUOUS. --Court of Appeals erred when the court held that a judgment creditor's notification of a judgment debtor of a garnishment eight business days after service of the garnishee substantially complied with O.C.G.A. § 18-4-64(a)(7)'s requirement that notice be given within three business days. *O.C.G.A. § 1-3-1* did not apply because the statute was unambiguous. *Cook v. NC Two, L.P., 289 Ga. 462, 712 S.E.2d 831 (2011)*.

SUBSTANTIAL COMPLIANCE WITH LEGITIMATION STATUTE, *O.C.G.A. § 19-7-22*. --Trial court abused the court's discretion by denying a putative biological father's motion to sever his petition for legitimation of a son from a husband's adoption proceeding because the father's petition substantially complied with the substance of the legitimation statute, *O.C.G.A. § 19-7-22*; the petition contained the requisite information, it was served on the wife, and it was timely filed in the proper court, and the father's failure to file his petition as a separate civil action caused no prejudice to anyone. *Brewton v. Poss, 316 Ga. App. 704, 728 S.E.2d 837 (2012)*.

SUBSTANTIAL COMPLIANCE WITH DESCRIBING EMERGENCY UNDER *O.C.G.A. § 36-91-22*. --City was not required to obtain a payment bond in compliance with *O.C.G.A. § 36-91-90* because the requirement did not apply to emergency projects, *O.C.G.A. § 36-91-22(e)*; the city's description in the city's minutes of the "emergency replacement of a 10-inch sanitary sewer main on Embassy Drive" was sufficient to describe the nature of the emergency. *City of College Park v. Sekisui SPR Ams., LLC, 331 Ga. App. 404, 771 S.E.2d 101 (2015)*, cert. denied, *No. S15C1141, 2015 Ga. LEXIS 471 (Ga. 2015)*.

BONDS

WRITING TREATED AS OFFICIAL STATUTORY BOND. --A writing, subscribed by the tax collector and several others, intended to be used and treated as the official bond required of the collector, though not under seal, is, by virtue of this section, to be treated as though it were the official statutory bond. *Dedge v. Branch, 94 Ga. 37, 20 S.E. 657 (1894)*.

CERTIORARI BOND NEED NOT BE UNDER SEAL. King & Co. v. Cantrell, 4 Ga. App. 263, 61 S.E. 144 (1908).

IF SHERIFF'S OFFICIAL BOND WERE NOT UNDER SEAL, IT MIGHT BE GOOD UNDER this section, but a different statute of limitations might possibly apply. *Harris v. Black, 143 Ga. 497, 85 S.E. 742 (1915)*.

NEW, WRITTEN, SIGNED AGREEMENT REQUIRED TO RENEW BOND. --A new agreement is required in order to effectuate a renewal of the original bond, and the new agreement is inadequate for that purpose unless it, like the bond, is in writing and signed by the fidelity company. *Nowell v. Mayor of Monroe, 177 Ga. 648, 171 S.E. 136 (1933)*.

SECURITIES NAME NEED NOT APPEAR IN BOND. --See *Chapple v. Tucker, 110 Ga. 467, 35 S.E. 643 (1900)*.

CENSUS

MOST RECENT UNITED STATES DECENNIAL CENSUS is rational, logical, and consistent means of determining population when the word "census" is used in a statute or ordinance. *Mayor of Hapeville v. Anderson, 246 Ga. 786, 272 S.E.2d 713 (1980)*.

COMPUTATION OF TIME

PROVISION AS TO TIME AS DIRECTORY. --Where a statute directs the doing of a thing in a certain time, without any negative words restraining the doing of it afterwards, generally the provision as to time is directory and not a limitation of authority, and in such case, where no injury appears to have resulted, the fact that the act was performed after the time limit will not render it invalid. *Middleton v. Moody, 216 Ga. 237, 115 S.E.2d 567 (1960)*; *Collins v. Nix, 125 Ga. App. 520, 188 S.E.2d 235 (1972)*.

EFFECT OF 1985 AMENDMENT ON PRIOR CASES. --When the Georgia General Assembly amended *O.C.G.A. § 1-3-1(d)(3)* in 1985, inserting "the first day shall not be counted but the last day shall be counted", the line of pre-1985 cases standing for the proposition that the statute of limitations runs on the two year anniversary of an accident was overruled. *Gardner v. Hyster Co., 785 F. Supp. 161 (M.D. Ga. 1992)*.

WHEN DAYS ARE TO BE COMPUTED, THIS PROVISION IS APPLIED, and only the first or last day counted, and the last day excluded if it falls on *Sunday. McLendon v. State, 14 Ga. App. 274, 80 S.E. 692 (1914)* (decided prior to 1985 amendment providing that the first day not be counted but that the last day shall be counted).

GENERAL RULE OF COMPUTATION which requires the exclusion of the first day and the inclusion of the last has been made the statutory rule of construction in this state. *Tift v. City of Tifton, 214 Ga. 507, 105 S.E.2d 584 (1958)* (decided prior to 1985 amendment providing that the first day not be counted but that the last day shall be counted).

PERIOD OF TIME ANTERIOR TO COMMENCEMENT OF ACTION. --When a computation of a period of time that is anterior to the commencement of an action is required, *O.C.G.A. § 1-3-1* is the proper method of computation. *Southern Trust Ins. Co. v. First Fed. Sav. & Loan Ass'n, 168 Ga. App. 899, 310 S.E.2d 712 (1983)*.

COMPUTING NUMBER OF DAYS FOR PRIVILEGE OR DISCHARGE. --When a number of days is prescribed by law for the exercise of a privilege, or the discharge of a duty, only the first or the last day shall be counted, and in computing the number of days, the first or the last day should be excluded. *Sullivan v. Smith, 209*

Ga. 325, 72 S.E.2d 318 (1952) (decided prior to 1985 amendment providing that the first day not be counted but that the last day shall be counted).

ONLY THE FIRST OR THE LAST DAY SHALL BE COUNTED, NOT BOTH. Blitch v. Brewer, 83 Ga. 333, 9 S.E. 837 (1889) (decided prior to 1985 amendment providing that the first day not be counted but that the last day shall be counted).

Either the first or the last day must be figured in the computation, but not both of them. *Brown v. City of Atlanta, 84 Ga. App. 4, 65 S.E.2d 611 (1951)* (decided prior to 1985 amendment providing that the first day not be counted but that the last day shall be counted).

In computing the time prescribed for the exercising of a privilege or the discharge of a duty, only the first or the last day shall be counted. One or the other, however, must be counted, and it is not intended that both may be left out of the computation. *First Nat'l Bank v. Mann, 211 Ga. 706, 88 S.E.2d 361 (1955)* (decided prior to 1985 amendment providing that the first day not be counted but that the last day shall be counted).

SUNDAY IS NOT A DAY IN LAW. Brooks v. Hicks, 230 Ga. 500, 197 S.E.2d 711 (1973).

IF LAST DAY SUNDAY, THEN HAVE UNTIL MONDAY. --Trial court did not abuse the court's discretion in setting aside a default judgment entered in favor of former police officers under *O.C.G.A. § 9-11-60(d)* because the default judgment was entered despite the fact that the record disclosed that a pension fund board of trustees timely answered the complaint and, thus, there was no basis upon which to claim a default judgment; the board's answer was filed 31 days after service, but because that day was a Monday and the 30th day after service fell on a Sunday, under *O.C.G.A. § 1-3-1(d)(3)*, the answer was timely. *Stamey v. Policemen's Pension Fund Bd. of Trs., 289 Ga. 503, 712 S.E.2d 825 (2011)*.

Although the defendant's notice of appeal was filed 31 days after the entry of the last order appealed from, the filing was timely because the 30th day fell on a *Sunday. Anderson v. State, 335 Ga. App. 78, 778 S.E.2d 826 (2015)*, cert. denied, *No. S16C0630, 2016 Ga. LEXIS 294 (Ga. 2016)*.

SUNDAY MAKES NO DIFFERENCE WHERE NOTHING TO BE DONE. --Where there was nothing to be done on the last day, it makes no difference that it fell on the *Sabbath. Merritt v. Gate City Nat'l Bank, 100 Ga. 147, 27 S.E. 979, 38 L.R.A. 749 (1897)*.

IF LAST DAY ALLOWED FOR ACT IS BOTH HOLIDAY AND SABBATH, following Monday is included. *Wood v. State, 12 Ga. App. 651, 78 S.E. 140 (1913).*

DAY OF GRACE IS GIVEN TO PARTY UPON WHOM THE DUTY IS IMPOSED, not to the other party. *Gray v. Quality Fin. Co., 130 Ga. App. 762, 204 S.E.2d 483 (1974)*.

SERVICE CANNOT BE MADE, OR LEGAL NOTICE GIVEN, ON SUNDAY, or the business or work of ordinary callings done. *Sawyer v. Cargile, 72 Ga. 290 (1884)*.

DOCUMENT'S FILING ON MONDAY FOLLOWING LAST DAY ON SUNDAY WITHIN TIME PRESCRIBED. --Thirty days after the adjournment of court being allowed for the filing of the document, and the last day falling on Sunday, the filing on Monday was within the time prescribed. *Page v. Blackshear, 75 Ga. 885 (1885)*.

Appellee's motion to dismiss the appeal was denied as the filing was timely because the last day of the maximum statutory period for an extension granted by the trial court fell on a Sunday, and the appellant had through the

following Monday, September 24, 2018, to file the appellant's notice of appeal. *Hodges v. Auction Credit Enters., LLC, 352 Ga. App. 517, 835 S.E.2d 357 (2019)*.

THE 30-DAY PERIOD FOR FILING NOTICE OF APPEAL allowed by *O.C.G.A. § 5-6-38(a)* ended on November 5, a Saturday, and by operation of *O.C.G.A. § 1-3-1*, the appellant had through the following Monday, November 7, to file a timely notice of appeal, but despite the fact that the notice of appeal was dated November 7, it was not filed until *November 8. Stancil v. Kendrix, 189 Ga. App. 909, 378 S.E.2d 417 (1989)*.

WHERE THE COMPUTATION IS OF MONTHS OR YEARS, THIS SECTION IS NOT APPLICABLE, Sundays are not excluded, and the right is lost unless invoked on or before the day last preceding the day of the month or year corresponding to the day upon which the right accrued. *McLendon v. State, 14 Ga. App. 274, 80 S.E. 692 (1914)*.

This section does not apply where bar is in terms of years or months rather than in days. *Thomas v. Couch, 171 Ga. 602, 156 S.E. 206 (1930)*.

This section does not apply where months and years are to be computed. *Davis v. U.S. Fid. & Guar. Co., 119 Ga. App. 374, 167 S.E.2d 214 (1969)*.

The provisions of this section do not apply to limitations expressed in months or years. *Veal v. Paulk, 121 Ga. App. 575, 174 S.E.2d 465 (1970)*.

This section applies only where days are to be counted, and where months and years are to be considered, the rule is not applicable. *Gray v. Quality Fin. Co., 130 Ga. App. 762, 204 S.E.2d 483 (1974)*.

This section applies only to limitations in terms of days. It does not apply where the limitation is in terms of months or years. *Allstate Ins. Co. v. Stephens, 239 Ga. 717, 238 S.E.2d 382 (1977)*.

ERROR IN CALCULATION OF TIME FOR SERVICE. --Trial court erred in calculating the five-day period under *O.C.G.A. § 9-11-4(c)* for service of a client's complaint because the provisions of *O.C.G.A. § 1-3-1(d)(3)* applied since the five-day requirement was less than seven days; because the client filed the complaint on Friday, August 14, 2009, the client had until Friday, August 21, 2009 in which to achieve service in accordance with *O.C.G.A. § 9-11-4(c)* since the intervening Saturday and Sunday, August 15 and 16, 2009, were excluded from the calculation of the five-day period. *Cleveland v. Katz, 311 Ga. App. 880, 717 S.E.2d 500 (2011)*.

NOT APPLICABLE TO LIMITATION FIXED FOR FILING WORKERS' COMPENSATION CLAIM. --The provisions of this section, to the effect that when a number of days is prescribed for the exercise of any privilege and the last day shall fall on a Saturday or Sunday, the party having the privilege shall have through the following Monday to exercise it, do not apply to limitations expressed in months or years and to the limitation fixed for filing a workers' compensation claim. *Chevrolet Parts Div., GMC v. Harrell, 100 Ga. App. 280, 111 S.E.2d 104 (1959)*.

WHEN A LIMITATION OF YEARS IS IMPOSED, expiration takes place at end of yearly period without giving additional consideration to when the last day falls. *Gray v. Quality Fin. Co., 130 Ga. App. 762, 204 S.E.2d 483 (1974)*.

SECTION INAPPLICABLE WHERE CONSTRUCTION OF WORD "BETWEEN" NOT REQUIRED. --Where the word "between" is not subject to interpretation and does not require a construction of the statute, this section has no application. *Henderson v. Henderson, 206 Ga. 23, 55 S.E.2d 578 (1949)*.

SERVICE OF PROCESS PROVISION NOT QUALIFIED. --This section does not qualify that part of Code which requires service of process to be consummated at least 15 days before the term, or if it does, that its operation

is to add to, and not subtract from, the number of days specified. There is little probability that, where Sunday intervenes, the Code intended to take a day away from a party and give it to the sheriff. *Hood v. Powers, 57 Ga. 244 (1876)*.

FROM JUNE 12 TO SEPTEMBER 12, MORE THAN THREE MONTHS HAD ELAPSED. Barrett & Carswell v. Devine, 60 Ga. 632 (1878).

SERVICE OF RULE NISI TO FORECLOSE MORTGAGE FOUND SUFFICIENT. --See *English v. Ozburn, 59 Ga. 392 (1877)*.

ATTORNEY'S FEES NOTICE. --Where the return day for filing suits in a court is the fifteenth of the month and a petition is filed on that day, a notice to bind for attorney's fees, served on the fifth of the same month, is served "ten days before suit is brought." *Marietta Fertilizer Co. v. Benton, 21 Ga. App. 466, 94 S.E. 657 (1917)*.

REQUIRED NOTICE OF DISCHARGE HEARING NOT GIVEN. --The giving of "five days notice of the time and place of hearing" of a petition for discharge filed by a defendant, who is held in imprisonment in default of bail, is not complied with by serving the plaintiff on the first day of May with notice that the time of hearing the petition will be on the fifth day of May following. From the first day of May to the fifth day of May is only four days. *Hardin v. Mutual Clothing Co., 34 Ga. App. 466, 129 S.E. 907 (1925)*.

WHEN PERSON KNOWS OF SUIT, SHOULD ATTEND AT COURT'S FIRST TERM. --When a person knows that one is sued, it would be well for the person to find out about any mistake in the process and attend at the first term of the court. *W.T. Rawleigh Co. v. Watts, 68 Ga. App. 786, 24 S.E.2d 213 (1943)*.

COMPUTATION OF TIME SPECIFIED IN LOCAL STATUTE. --Since, at a time certain local statute was enacted, the provision of this section requiring that only the first or last day shall be counted was in force, the court would presume that the General Assembly intended and understood that the time would be computed in accordance with its provisions, and that the first day would not be counted and that the last day would. *Tift v. City of Tifton, 214 Ga. 507, 105 S.E.2d 584 (1958)* (decided prior to 1985 amendment providing that the first day not be counted but that the last day shall be counted).

When an arrestee sued police officers for executing an allegedly expired search warrant at the arrestee's home, the officers were entitled to qualified immunity and, thus, summary judgment dismissing the claim because while *O.C.G.A. § 17-5-25* required a search warrant's execution within ten days after the warrant's issuance, it was unclear, as of the warrant's execution, that *O.C.G.A. § 1-3-1(d)(3)*, regarding time computation, did not extend that time period to make that execution timely since the tenth day after the warrant was issued fell on a Sunday, followed by a legal holiday, immediately after which the warrant was executed. *Hurley v. City of St. Marys, No. 209-212, 2011 U.S. Dist. LEXIS 7399 (S.D. Ga. Jan. 26, 2011)*.

IT WAS HELD THAT A DAMAGE ACTION AGAINST A MUNICIPALITY WAS PREMATURELY COMMENCED before the municipality had been allowed the statutory period of 30 days after the claim had been presented when the claim was first presented on October 16, next prior to the filing of the suit on *November 15. Grooms v. City of Hawkinsville, 31 Ga. App. 424, 120 S.E. 807 (1923)*.

IN TORT CASES, BOTH DAY OF INJURY AND DAY OF FILING MUST BE COUNTED in determining whether the action was filed within the period of limitation. *David v. Marbut-Williams Lumber Co., 32 Ga. App. 157, 122 S.E. 906 (1924)* (decided prior to 1985 amendment providing that the first day not be counted but that the last day shall be counted).

INJURIES TO THE PERSON. --Paragraph (d)(3) of *O.C.G.A. § 1-3-1*, as amended in 1985, governs *O.C.G.A. § 9-3-33*, thereby extending the statute of limitations for personal injury actions to two years and one day. *Gardner v. Hyster Co., 785 F. Supp. 161 (M.D. Ga. 1992)*.

Personal injury action filed against heater manufacturer on the second anniversary of the injury was timely under the computation method mandated by paragraph (d)(3) of *O.C.G.A. § 1-3-1* and was, therefore, within the two-year period contemplated by *O.C.G.A. § 9-3-33*. *Davis v. Desa Int'l, Inc., 209 Ga. App. 318, 433 S.E.2d 410 (1993)*.

FILING OF CLAIM BOUND BY TWO-YEAR LIMITATION. --Pursuant to *O.C.G.A. § 1-3-1(d)(3)*, the plaintiff had until October 28, 1998, to file an action arising from an incident which occurred on October 27, 1996, for which a two year statute of limitations applied. *Reese v. City of Atlanta, 247 Ga. App. 701, 545 S.E.2d 96 (2001)*.

SERVICE OF AN UNINSURED MOTORIST CARRIER within five business days after the date of filing of the complaint, in an action for personal injuries, related back to the date of filing as a matter of law, for statute of limitation purposes. *Williams v. Colonial Ins. Co., 199 Ga. App. 760, 406 S.E.2d 99 (1991)*.

DEMURRER FOUND FILED WITHIN TIME ALLOWED. --Where the record shows that the defendant was served with a copy of the petition and process on February 14, 1952, and that the defendant filed a general demurrer to the petition on March 15, 1952, with the court taking judicial cognizance of the fact that the month of February, 1952, had 29 days, the demurrer was filed within the 30 days allowed by law. *Sullivan v. Smith, 209 Ga. 325, 72 S.E.2d 318 (1952)*.

CERTIFICATE FOR REVIEW OBTAINED ON DAY AFTER COLUMBUS DAY OBTAINED WITHIN TIME. --Where the ten-day limitation to secure the certificate certifying the denial of summary judgment for review would have expired on Sunday, October 11, and Monday, October 12, was Columbus Day, a legal holiday, a certificate for review obtained on October 13 was obtained within time. *Allstate Ins. Co. v. Cody, 123 Ga. App. 265, 180 S.E.2d 596 (1971)*.

SUMMARY JUDGMENT APPEAL FILED ON THIRTY-SECOND DAY TIMELY. --Because the thirtieth day following an order granting summary judgment fell on Saturday and the following Monday was a state holiday, the time for filing a notice of appeal was extended to the next business day, *Tuesday. Dental One Assocs. v. JKR Realty Assocs., 228 Ga. App. 307, 491 S.E.2d 414 (1997)*, aff'd, *269 Ga. 616, 501 S.E.2d 497 (1998)*.

PRESENTATION OF BILL OF EXCEPTIONS. --When last day for certifying bill of exceptions falls on Sunday, following day is superadded. *Charleston & W.C. Ry. v. Cottonseed Oil Co., 22 Ga. App. 337, 96 S.E. 586 (1918)*.

When the last day numerically for presenting the bill of exceptions for certification falls on Sunday, the presentation of the bill to the trial judge for certification upon the next day, Monday, is not too late. *Maryland Cas. Co. v. England, 34 Ga. App. 354, 129 S.E. 446 (1926)*.

Where the judgment complained of was rendered on May 16, and, not counting May 16, 15 days remained in the month of May, the last day for presenting a bill of exceptions within the time provided by law, 20 days, was June 5. Since June 5 fell on Thursday, and an extra day was not added under the law for the presentation of the bill of exceptions, the bill of exceptions, tendered on Friday, June 6, was not presented to the trial judge within the time prescribed by law, and the Supreme Court was without jurisdiction to pass upon the writ of error. *Blair v. Blair, 209 Ga. 347, 72 S.E.2d 288 (1952)*.

WHEN LAST DAY SATURDAY. --When, in a condemnation proceeding, the tenth day following an assessor's award falls on a Saturday and the condemnee files an appeal two days thereafter, the entry of a judgment only two days after the award was filed is premature; a condemnee, having exercised the condenmee's right to appeal, is

entitled to have a jury determine the value of the property taken or the amount of damage done. *McAllister v. City of Jonesboro, 151 Ga. App. 260, 259 S.E.2d 666 (1979)*.

PRESENTATION OF CERTIORARI PETITION. --In computing the days in which a petition for certiorari must be presented for sanction, when the last day falls on Sunday, it will be sufficient if the petition is presented for sanction on the following *Monday. Wood v. State, 12 Ga. App. 651, 78 S.E. 140 (1913)*; *Hill v. State, 14 Ga. App. 410, 81 S.E. 248 (1914)*.

Where the thirtieth day following the conviction of a defendant in a city court falls on a Sunday, a petition for certiorari filed on the Monday following would not be too late. *Brown v. City of Atlanta, 84 Ga. App. 4, 65 S.E.2d 611 (1951)*.

STATUTORY CONSTRUCTION APPLICABLE TO CONTRACTS. --Where a contract covers the minimum number of days required by a statute, the construction applicable to statutes necessarily governs the meaning of the contract. *Trust Co. v. Guardian Life Ins. Co. of Am., 124 Ga. App. 465, 184 S.E.2d 363 (1971)*.

Paragraph (d)(3) of this section is a rule of statutory construction, and does not apply to contractual limitations; yet, this section states a rule of reason with respect to limitations, be they statutory or contractual, which should be applied to limitations in contracts in the absence of any sound reason for not applying them. *Brooks v. Hicks, 230 Ga. 500, 197 S.E.2d 711 (1973)*.

By analogy this section applies to contracts as well as statutes where the limitation is in terms of days. *Allstate Ins. Co. v. Stephens, 239 Ga. 717, 238 S.E.2d 382 (1977)*.

A ten-day notice period required for cancellation of an insurance policy is governed by *O.C.G.A. § 1-3-1* for computation of time and not by *O.C.G.A. § 9-11-6* which deals exclusively with periods calculated after the commencement of a court proceeding. *Southern Trust Ins. Co. v. First Fed. Sav. & Loan Ass'n, 168 Ga. App. 899, 310 S.E.2d 712 (1983)*.

Paragraph (d)(3) of *O.C.G.A. § 1-3-1* was applicable to the one-year suit limitation contained in a renter's insurance policy. Since provisions were in conflict with the statutes of the state the provisions were amended to conform to such statutes. *Sanders v. Allstate Ins. Co., 207 Ga. App. 461, 428 S.E.2d 575*, cert. denied, *No. S93C0876, 1993 Ga. LEXIS 428 (1993)*.

PROVISION NOT APPLICABLE TO VOLUNTARILY ACCEPTED CONTRACTUAL LIMITATIONS. --Provisions in paragraph (d)(3) of *O.C.G.A. § 1-3-1* regarding extension of time to exercise a privilege have no effect upon voluntarily accepted contractual limitations on the exercise of such privilege. *Desai v. Safeco Ins. Co. of Am., 173 Ga. App. 815, 328 S.E.2d 376 (1985)*.

CONSTRUCTION OF TIME IN INSURANCE CASE. --Where the uncontroverted evidence shows that the property insured was consumed on the morning of the twenty-fourth of January, 1910, the 12-months limitation as to commencement of the action expired at midnight of the twenty-third of January, 1911, and, under this stipulation of the contract, the suit on the policy, which was not commenced until January 24, 1911, was barred. *Maxwell Bros. v. Liverpool & London & Globe Ins. Co., 12 Ga. App. 127, 76 S.E. 1036 (1913)*; *Phillips v. Fireman's Fund Ins. Co., 31 Ga. App. 541, 121 S.E. 255 (1924)*.

"DAYS OF ELECTION" DEEMED 24-HOUR DAY. --The period of time contemplated by the words "days of election," as used in former Penal Code 1910, § 445, is a day of 24 hours, commencing at midnight preceding the opening of the polls, and ending at midnight succeeding the close of the polls. *Rose v. State, 107 Ga. 697, 33 S.E. 439 (1899)*.

FAILURE TO PROVIDE LEGALLY REQUIRED THREE-DAYS' NOTICE OF UPCOMING SALE IS FOUND where a sale is advertised on December 25 to take place on *December 27. Marshall v. Armour Fertilizer Works, 24 Ga. App. 402, 100 S.E. 766 (1919)*.

NOT APPLICABLE TO LIMITATION FIXED FOR FILING MATERIALMAN'S LIEN. --The method of time computation in paragraph (d)(3) of *O.C.G.A. § 1-3-1* did not apply to extend the requirement of *O.C.G.A. § 44-14-361(a)(2)* that a materialman's lien must be filed within three months of the delivery of materials. *United States Filter Distrib. Group, Inc. v. Barnett, 241 Ga. App. 759, 526 S.E.2d 912 (1999)*, aff'd, *273 Ga. 254, 538 S.E.2d 739 (2000)*.

SERVICE OF RESPONSES TO REQUESTS TO ADMIT. --Service of responses to requests to admit was timely as calculated pursuant to *O.C.G.A. § 1-3-1(d)(3)*; therefore, the requests were not deemed admitted. The fact that the certificate of service was not filed with the clerk under *Ga. Unif. Super. Ct. R. 5.2* until later did not impact the fact that service of the responses was timely. *Cruickshank v. Fremont Inv. & Loan, 307 Ga. App. 489, 705 S.E.2d 298 (2010)*.

Regardless of when the executor of the estate filed the responses to the requests for admission with the probate court, the responses were timely served within the required 30-day period because the executor was required to respond by Monday, August 13, 2018, as the 30th day after service fell on a Saturday; and the record showed that the executor timely served the responses by placing the responses in the mail on *August 13, 2018. O'Callaghan v. Samples, 354 Ga. App. 42, 840 S.E.2d 139 (2020)*.

DEFAMATION COMPLAINT TIMELY FILED. --Natural gas marketer's defamation complaint was timely filed because the complaint was filed on the first anniversary of the date of publication; *O.C.G.A. § 1-3-1(d)(3)* applies to the one-year statute of limitation for injuries to the reputation found in *O.C.G.A. § 9-3-33*, so that the first day shall not be counted in determining whether a claim is timely filed. *Infinite Energy, Inc. v. Pardue, 310 Ga. App. 355, 713 S.E.2d 456 (2011)*.

RENEWAL OF DISMISSED ACTION. --Trial court erred by denying a debtor's refiling of an appeal as untimely because the six-month period for filing the debtor's renewal action under *O.C.G.A. § 9-2-61(a)* began the day after the debtor dismissed the original superior court action, and ran until December 6, 2012, based on the method of calculation under *O.C.G.A. § 1-3-1(d)(3)*, thus, the refiling of the action on December 6 was timely. *Parsons v. Capital Alliance Fin., LLC, 325 Ga. App. 884, 756 S.E.2d 14 (2014)*.

GENDER

IN GENERIC SENSE, TERM "MAN" INCLUDES "WOMAN," and pronoun "he" includes person of feminine gender. *Hightower v. State, 14 Ga. App. 246, 80 S.E. 684 (1914)*.

JOINT AUTHORITY

MAJORITY OF OFFICIALS AUTHORIZED TO ACT. --Three commissioners, being a majority of five, are competent to act and make an assessment. *Stevenson v. State, 69 Ga. 68 (1882)*.

In drawing a grand jury, the ordinary (now probate court judge) acts as one of the board of jury commissioners, and the ordinary's absence during the drawing of the jury will not render it invalid, a majority of the commissioners being present and acting. *Roby v. State, 74 Ga. 812 (1885)* (decided under Code 1882, § 3911).

A majority of the members of the board of education of a city had authority to institute mandamus proceedings against the mayor and council of the city. *City of Blakely v. Singletary, 138 Ga. 632, 75 S.E. 1054 (1912)*.

Where certain relief was sought against seven members of the board of education and its secretary in their official capacity, to require them to perform specific duties as a board of education, these acts could be performed by a majority of the board. *Styles v. Waters, 212 Ga. 644, 94 S.E.2d 702 (1956)*.

Where a writ of mandamus absolute issues against the members of a board of education, requiring them to perform certain acts in their official capacity, and a majority of such board file a writ of error to the Supreme Court, a majority of the board have the right to withdraw or dismiss, pending final disposition, the writ of error. *Styles v. Waters, 212 Ga. 644, 94 S.E.2d 702 (1956)*.

APPEAL OF JUDGMENT BY LESS THAN MAJORITY DISMISSED. --Since a majority of a five-member board is required to initiate an appeal, an appeal of a declaratory judgment by less than a majority must be dismissed. *McClure v. Shirley, 227 Ga. 832, 183 S.E.2d 385 (1971)*.

SECTION INAPPLICABLE WHERE MAJORITY ACTS WITH UNQUALIFIED MEMBER. --Where authority was not in fact exercised by the majority of qualified members, but by them in conjunction with another person whose appointment was void, it would not seem that this section would have application. *Felker v. City of Monroe, 22 Ga. App. 301, 95 S.E. 1023 (1918)*.

ADMINISTRATION OF WILL. --Because former *O.C.G.A. § 53-6-24(11)* [pre-1998 Probate Code] does not declare that all the beneficiaries under a will must agree to the naming of an administrator with will annexed, the rule of construction in paragraph (d)(5) of *O.C.G.A. § 1-3-1*, that a joint authority given to any number of persons or officers may be executed by a majority of them unless it is otherwise declared applies. *Dismuke v. Dismuke, 195 Ga. App. 613, 394 S.E.2d 371 (1990)*, cert. denied, *1995 Ga. LEXIS 1050 (1995)*, cert. denied, *1999 Ga. LEXIS 39 (1999)* (decided prior to the 1991 amendment to *§ 53-6-24*, deleting (11)).

NUMBER

USE OF PLURAL INSTEAD OF SINGULAR PERSONAL PRONOUN IN INDICTMENT will not vitiate it. *Jackson v. State, 88 Ga. 784, 15 S.E. 677 (1892)*.

"*LIQUOR" INCLUDES "LIQUORS." Willburn v. State, 8 Ga. App. 28, 68 S.E. 460 (1910)*.

"*COMPANY" INCLUDES "INDIVIDUAL." Atlantic Coast Line R.R. v. State, 135 Ga. 545, 69 S.E. 725, 32 L.R.A. (n.s.) 20 (1910)*, aff'd, *234 U.S. 280, 34 S. Ct. 829, 58 L. Ed. 1312 (1914)*, aff'd, *234 U.S. 280, 34 S. Ct. 829, 58 L. Ed. 1312 (1914)*.

"DEFENDANT" INCLUDES "DEFENDANTS." --A verdict finding in favor of "the defendant" will be construed as a finding in favor of all the defendants, where the suit is against two or more persons. *Monk-Sloan Supply Co. v. Quitman Oil Co., 10 Ga. App. 390, 73 S.E. 522 (1912)*.

"OWNER" INCLUDES "OWNERS." Stallworth v. Martin-Ozburn Realty Co., 17 Ga. App. 689, 87 S.E. 1094 (1916).

"*WITNESSES" INCLUDES "WITNESS." Herndon v. Jones County, 18 Ga. App. 523, 89 S.E. 1047 (1916)*.

IN SUIT AGAINST TWO DEFENDANTS, ALLEGATION WHERE PARTICULAR DEFENDANT IS NOT REFERRED TO is good against an objection that it is not alleged which defendant is referred to. *Brooks v. Hartsfield Co., 56 Ga. App. 184, 192 S.E. 459 (1937)*.

NOTE SIGNED BY TWO PARTIES OBLIGATION OF BOTH. --Although a note contains a promise to pay in the singular number, where the note is signed by two persons, it is the obligation of both. *Scott v. Gaulding, 60 Ga. App. 306, 3 S.E.2d 766 (1939)*.

"OPPOSITE PARTY." --As regards new trial applications, "opposite party" includes all parties interested in sustaining verdict. *Carmichael v. City of Jackson, 194 Ga. 664, 22 S.E.2d 470 (1942)*.

WHERE SCHOOL SYSTEM LIES IN PARTS OF TWO COUNTIES, a proviso expressly applying to independent school systems in a single county applies to it also. *Rice v. Cook, 222 Ga. 499, 150 S.E.2d 822 (1966)*.

SECTION INAPPLICABLE WHEN STATUTE EXPRESSLY DECLARES ONE WITNESS SUFFICIENT. --This provision does not apply when it is apparent that the statute is dealing with the number of witnesses necessary and expressly declaring that one is sufficient except in specified cases. *Stone v. State, 118 Ga. 705, 45 S.E. 630, 98 Am. St. R. 145 (1903)*.

"ACTIVE TORTFEASOR" AND "DEFENDANT" IN PUNITIVE * DAMAGES STATUTE INCLUDE THE PLURAL. --The fact that *O.C.G.A. § 51-12-5.1(f)*, the punitive damages statute, refers to "the defendant" and "an active tort-feasor" in the singular does not mean that only one defendant may be liable for punitive damages under subsection (f). Under *O.C.G.A. § 1-3-1(d)(6)*, the singular or plural number each includes the other, unless the other is expressly excluded. *Reid v. Morris, 845 S.E.2d 590*, *No. S20A0107, 2020 Ga. LEXIS 472 (2020)*.

ILLUSTRATIVE CASES

UNCLEAR TAX STATUTE CONSTRUED AGAINST STATE AND IN CITIZEN'S FAVOR. --If a statute levying taxes is not clear and positive in its terms, or if it is open to different interpretations through the indefiniteness of its provisions, it is to be construed most strongly against the state and in favor of the citizen or subject, and its provisions are not to be extended, by implication, beyond the clear import of the language used. *Thompson v. Georgia Power Co., 73 Ga. App. 587, 37 S.E.2d 622 (1946)*.

BANK SHARE TAX TO BE CONSTRUED SO AS TO BE CONSTITUTIONAL. --Where the construction of the bank share tax must be reconsidered to determine its constitutionality the court should construe this statute so as to render it constitutional, rather than declare the entire act unconstitutional. *Bartow County Bank v. Bartow County Bd. of Tax Assessors, 251 Ga. 831, 312 S.E.2d 102 (1984)*, aff'd, *470 U.S. 583, 105 S. Ct. 1516, 84 L. Ed. 2d 535 (1985)*, aff'd sub nom., *First Nat'l Bank v. Bartow County Bd. of Tax Assessors, 470 U.S. 583, 105 S. Ct. 1516, 84 L. Ed. 2d 535 (1985)*.

DEFECTIVE SUMMONS CURED BY PLEADINGS. --As a general rule it may be said that a defective summons will be regarded as aided or cured by the pleadings served with the summons when, with all the information contained in the two papers in the defendant's possession, the defendant could not be misled as to the nature of the relief demanded, or as to the court in which the proceedings are to be instituted. *W.T. Rawleigh Co. v. Watts, 68 Ga. App. 786, 24 S.E.2d 213 (1943)*.

IF ACCUSED CAN ADMIT ALL ACCUSATIONS OF INDICTMENT AND STILL BE INNOCENT, indictment is defective. Every indictment must be complete within itself, and charge a crime and every substantial element of the offense alleged to be committed. *Gore v. State, 79 Ga. App. 696, 54 S.E.2d 669 (1949)*.

SUBMISSION OF INTERROGATORIES IS MANDATORY IN DECLARATORY JUDGMENT ACTION. Cole v. Frostgate Whses., Inc., 150 Ga. App. 320, 257 S.E.2d 309, rev'd on other grounds, *244 Ga. 782, 262 S.E.2d 98 (1979)*.

RIGHTS GROWING OUT OF CONTRACTS PROTECTED. --Where the meaning of an Act is doubtful, it would not be so construed as to impair rights growing out of contracts prior to its passage. *Mitchell v. Wolfe, 70 Ga. 625 (1883)*.

CONTRACT REQUIRED TO BE WRITTEN MAY NOT BE MODIFIED BY SUBSEQUENT ORAL AGREEMENT. Nowell v. Mayor of Monroe, 177 Ga. 648, 171 S.E. 136 (1933).

AT COMMON LAW IT WAS NOT REQUIRED THAT CONTRACT OF INSURANCE SHOULD BE IN WRITING in order to be valid. *Nowell v. Mayor of Monroe, 177 Ga. 648, 171 S.E. 136 (1933)*.

FIDELITY INSURANCE CONTRACT MUST BE IN WRITING. --Whether the insurer is a resident or nonresident corporation, a contract of fidelity insurance must be in writing under the laws of this state. *Nowell v. Mayor of Monroe, 177 Ga. 648, 171 S.E. 136 (1933)*.

RULE APPLICABLE TO CONTRACTS ISSUED UPON CASH BASIS. --The rule that a policy of insurance shall be in writing and signed by the insurer applies to contracts issued upon a cash basis as well as to those issued upon a credit basis, if such there may be. *Nowell v. Mayor of Monroe, 177 Ga. 648, 171 S.E. 136 (1933)*.

SUIT CANNOT BE MAINTAINED UPON A PAROL RENEWAL OF AN INSURANCE POLICY. Nowell v. Mayor of Monroe, 177 Ga. 648, 171 S.E. 136 (1933).

SECTION CONSIDERED IN CONSTRUING DEED. --Without giving a strict and mandatory application of this section in the construction of a deed, yet, since it is true that the purpose is to arrive at the true meaning and intent of the language used, this section can properly be considered as illustrative of what constitutes the true intent and purpose of the instrument. *Rustin v. Butler, 195 Ga. 389, 24 S.E.2d 318 (1943)*.

O. C.G.A. *§ 51-5-11* (RETRACTION IN LIBEL ACTION) WAS CLEARLY INAPPLICABLE TO DEFAMATORY STATEMENTS made in a radio talk show, it being clear, giving the words "newspaper or other publication" their ordinary signification, that the General Assembly intended that the section apply exclusively to the printed media. *Williamson v. Lucas, 171 Ga. App. 695, 320 S.E.2d 800 (1984)*.

SANCTION ISSUED BY PROFESSIONAL BOARD. --The Board of Dentistry's decision to sanction a dentist was not void for want of jurisdiction, even though the decision was rendered more than 30 days following the close of the record, because there was no harm shown nor authority withdrawn. *Thebaut v. Georgia Bd. of Dentistry, 235 Ga. App. 194, 509 S.E.2d 125 (1998)*.

LIEN LAWS MUST BE STRICTLY CONSTRUED. --Georgia's law providing for a hospital lien against a patient for services rendered, *O.C.G.A. § 44-14-470* et seq., must be strictly construed. *MCG Health, Inc. v. Owners Ins. Co., 302 Ga. App. 812, 692 S.E.2d 72 (2010)*.

SLAPP STATUTE APPLIED TO NON-GEORGIA RESIDENTS. --Considering the text of the statute, the General Assembly's purpose, and the evil the statute

was designed to correct, *O.C.G.A. § 9-11-11.1(a)*, Georgia's Anti-SLAPP statute, encompassed a press conference held outside the territorial limits of Georgia by New York defendants. Because the press conference was held to address an issue under consideration by a judicial body, i.e., a nuisance lawsuit filed by the New York defendants against gun dealers, a Georgia gun dealer's slander suit was dismissed for failure to file a verification as required by

§ 9-11-11.1(b). *Adventure Outdoors, Inc. v. Bloomberg, 307 Ga. App. 356, 705 S.E.2d 241 (2010)*, cert. denied, *No. S11C0648, 2011 Ga. LEXIS 402*, cert. denied, *132 S. Ct. 763, 181 L. Ed. 2d 485 (2011)*.

MOTOR VEHICLE HIJACKING STATUTE. --Because the text of the hijacking statute, *O.C.G.A. § 16-5-44.1*, does not define "obtain", a court looks to the ordinary meaning of that word, given that it was not a term of art or a technical term pursuant to *O.C.G.A. § 1-3-1(b)*; ordinarily, "obtain" means to gain or attain possession, usually by some planned action or method, and applying the ordinary meaning of "obtain", the offense of hijacking a motor vehicle is concluded when possession of the motor vehicle is attained. *Jackson v. State, 309 Ga. App. 24, 709 S.E.2d 44 (2011)*.

Trial court misinterpreted *O.C.G.A. § 16-13-49(d)(6)* in holding that the defendant's vehicle, which was in close proximity to the defendant's apartment in which drugs were seized, was not subject to forfeiture because the state lacked evidence that the vehicle was in any way connected to the unlawful activity; no such connection was required. *State of Ga. v. West, 331 Ga. App. 745, 771 S.E.2d 432 (2015)*.

INSTRUCTION TO "REMOVE" ONESELF FROM SCHOOL PREMISES MUST OCCUR ON OCCASION IN QUESTION. --Dismissal of an indictment for loitering on school premises was required because *O.C.G.A. § 20-2-1180(b)(1)* made it a crime for a defendant to fail to remove oneself from school premises after being told to do so; in this case, it was alleged that the defendant was told to leave on a prior occasion, not the date in question. *State v. Freeman, 349 Ga. App. 94, 825 S.E.2d 538 (2019)*.

RAPE SHIELD STATUTE. --By the statute's plain terms the rape shield statute, O.C.G.A. § 24-2-3(a) (see now *O.C.G.A. § 24-4-412*), applied only in prosecutions for rape and not to child molestation cases; however, the trial court did not err by applying former O.C.G.A. § 24-2-3(a) to defendant's case because the defendant was prosecuted for, among other offenses, rape, and the fact that the defendant was acquitted of the rape charge did not require a new trial on the other charges. *Abdulkadir v. State, 279 Ga. 122, 610 S.E.2d 50 (2005)*.

PLAIN LANGUAGE OF *O.C.G.A. § 42-8-62*. --Defendant was not required to register as a sexual offender because the defendant successfully completed a first-offender sentence for statutory rape and burglary charges, and a "conviction" under *O.C.G.A. § 42-1-12(a)(8)* did not include a discharge without an adjudication of guilt following the successful completion of a first offender sentence; the plain language of *O.C.G.A. § 42-8-62(a)* provided that, with certain exceptions, once a first offender was discharged without an adjudication of guilt, he or she stood completely exonerated and was not considered as having been convicted of a crime. The trial court's interpretation of the statutes at issue as requiring all first offenders who had committed certain sexual offenses to register as sexual offenders for the rest of their lives rendered the plain language of *O.C.G.A. § 42-1-12(8)* meaningless and was improper. *Jackson v. State, 299 Ga. App. 356, 683 S.E.2d 60 (2009)*.

DOUGHERTY COUNTY PROBATE COURT ALLOWED TO HOLD JURY TRIALS. --Dougherty County, Ga., Probate Court had jurisdiction to hold jury trials because: (1) the 2010 census, which dropped the county's population below that required by *O.C.G.A. § 15-9-120(2)* to allow jury trials in probate court, was not effective until July 1, 2012, under *O.C.G.A. § 1-3-1(d)(2)(D)*; and, (2) a statutory amendment, effective on that date, decreased the population requirement. *Ellis v. Johnson, 291 Ga. 127, 728 S.E.2d 200 (2012)*.

Research References & Practice Aids

CROSS REFERENCES. --

Computation of time in regard to exercise of privileges or discharge of duties prescribed or required by election laws, *§ 21-2-14*. Construction of multiple amendments to same Code provision, *§ 28-9-5*.

LAW REVIEWS. --

For article comparing sections of the "Georgia Civil Practice Act" with preexisting provisions of the Georgia Code, see 3 Ga. St. B. J. 295 (1967). For article on the problems and benefits of multiple fiduciaries in estate planning, see 33 Mercer L. Rev. 355 (1981). For article surveying Insurance Law in 1984-1985, see 37 Mercer L. Rev. 275 (1985). For article surveying administrative law, see 38 Mercer L. Rev. 17 (1986). For article, "The Amended Open Meetings Law: New Requirements for Publicly Funded Corporations As Well As Governmental Agencies," see 25 Ga. St. B. J. 78 (1988). For article, "The Canons of Construction in Georgia: Anachronisms in Action," see *25 Ga. L. Rev. 365 (1991)*. For note, "Regulation and Ownership of the Marshlands: The Georgia Marshlands Act," see 5 Ga. L. Rev. 563 (1971). For article on commercial law, see *53 Mercer L. Rev. 153 (2001)*. For article on construction law, see *53 Mercer L. Rev. 173 (2001)*. For article on trial practice and procedure, see *53 Mercer L. Rev. 475 (2001)*. For survey article on administrative law, see *60 Mercer L. Rev. 1 (2008)*. For annual survey of law on real property, see *62 Mercer L. Rev. 283 (2010)*. For annual survey on trial practice and procedure, see *64 Mercer L. Rev. 305 (2012)*. For article, "Researching Georgia Law," see *34 Ga. St. U. L. Rev. 741 (2015)*.

For comment on *Tarrant v. Davis, 62 Ga. App. 880, 10 S.E.2d 636 (1940)*, see 3 Ga. B. J. 54 (1941). For comment on *Tift v. Bush, 209 Ga. 769, 75 S.E.2d 805 (1953)*, see 16 Ga. B. J. 224 (1953). For comment on *Wilkinson v. Townsend, 96 Ga. App. 179, 99 S.E.2d 539 (1957)* wherein the statutory authorization for the police to remove an abandoned automobile to a garage was held not to create an agency relationship between the police and auto owner giving rise to a lien against the auto owner by the garageman, see 9 Mercer L. Rev. 372 (1958).

OPINIONS OF THE ATTORNEY GENERAL

CONSTRUCTION TO CONFORM TO LEGISLATIVE INTENT. --In the interpretation of statutes, it is a cardinal rule that statutes must be construed to conform with the intent of the General Assembly. 1990 Op. Att'y Gen. No. 90-9.

WORDS GIVEN ORDINARY MEANING. --When construing a statute, words should be given their ordinary and everyday meaning. 1990 Op. Att'y Gen. No. 90-6.

MONEY AUTHORIZED FOR COMPENSATION OF CLERICAL ASSISTANTS cannot be used for any other purpose. 1962 Op. Att'y Gen. p. 566.

ACT AMENDS SECTION OF SAME SUBJECT MATTER AS THAT DEALT WITH BY ACT. --Where an amendatory Act to the Code purports to deal with one subject matter, but specifies a section number which does not deal with this subject matter and, in fact, does not exist, the legal effect of the Act is to amend the section of the same subject matter. 1954-56 Op. Att'y Gen. p. 372.

WHERE INTENTION OF GENERAL ASSEMBLY TO REPEAL PRIOR ACT IS MANIFEST, that intent will be recognized. 1972 Op. Att'y Gen. No. 72-57.

THE 1981 AMENDMENT, AS TO THE EFFECTIVE DATE OF A CENSUS, does not operate retrospectively to January 1, 1981, but does, as of April 9, 1981, repeal Ga. L. 1963, p. 608. 1981 Op. Att'y Gen. No. U81-54.

PHRASE "GOODS, WARES OR MERCHANDISE" SHOULD BE CONSTRUED IN ITS ORDINARY SENSE; this means such chattels as are ordinarily the subject of traffic and trade. 1972 Op. Att'y Gen. No. 72-96.

ORDINARY SIGNIFICANCE OF THE PHRASE "STATE INSTITUTION" is a public, state-operated institution. 1973 Op. Att'y Gen. No. 73-72.

SECTION IMMATERIAL WHERE CALENDAR DATE DETERMINES ACTION'S DEADLINE. --Where a calendar date rather than a number of days determines the deadline for taking action, the fact that the last day is on Saturday or Sunday is immaterial. 1962 Op. Att'y Gen. p. 565.

IF SECTION'S PROHIBITIVE PERIOD RUNS IN MONTHS. --Former Code 1933, §§ 25-213, 25-214, 25-216, 25-301, 25-313, 25-315, and 25-317 (see now *O.C.G.A. § 7-3-11*) should be interpreted so that the prohibitive period, either two months or six months, begins running the day following the date contained in the loan and expires midnight six months later on the same numerical calendar date, and further that the Saturday or Sunday carry-over period would not apply and could be counted toward the fulfillment of the restricted period. 1963-65 Op. Att'y Gen. p. 255.

OFFICIAL ACTION REQUIRES MAJORITY OF OFFICERS TO WHOM AUTHORITY IS GIVEN, rather than a majority of those then holding the office. 1980 Op. Att'y Gen. No. 80-31.

OFFICIAL ACTION REQUIRES MAJORITY OF TOTAL NUMBER OF POSITIONS ON A BOARD, rather than a majority of those present at a meeting. 1980 Op. Att'y Gen. No. 80-31.

MAJORITY OF MEMBERS OF GEORGIA FIREMEN'S PENSION FUND BOARD MUST AGREE on any action to be taken before that action is binding. 1972 Op. Att'y Gen. No. 72-103.

TAX ASSESSOR BOARD CAN ACT IN ABSENCE OF ONE MEMBER. --A board of tax assessors consisting of three members and sitting in accordance with former Code 1933, § 92-6911 (see now *O.C.G.A. § 48-5-297*) can legally act in the absence of one of its members; the absence of a member could be for "any reason." 1971 Op. Att'y Gen. No. U71-55.

NOTICE OF CALLED MEETING OF BOARD OF COMMISSIONERS MUST BE PROVIDED, where practical, to all board members, and failure to provide notice invalidates actions taken at a called meeting unless all members attend. 1976 Op. Att'y Gen. No. U76-57.

LARGER AND MORE EXTENSIVE STATUTORY EXPRESSION CONTROLS. --Interest earned on educational purpose sales taxes and on special county one percent sales and use taxes becomes part of the tax proceeds in the account fund, which fund is required to be used exclusively for the purposes specified in the resolution or ordinance calling for the imposition of the tax. 2001 Op. Att'y Gen. No. 2001-3.

AM. JUR. 2D. --

12 Am. Jur. 2d, Bonds, §§ 6, 11 et seq. 14 Am. Jur. 2d, Census, §§ 1, 4. 73 Am. Jur. 2d, Statutes, § 1 et seq.

C.J.S. --

11 C.J.S., Bonds, §§ 9, 11, 14. 14 C.J.S., Census, § 2. 82 C.J.S., Statutes, § 364 et seq.

ALR. --

Scope and effect of exception of "special protection and privilege," in an Act giving women the same rights as men, 26 A.L.R. 356.

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Application of rule of ejusdem generis to statutes of limitation, 39 A.L.R. 1404.

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Constitutionality, construction, and effect of statutes in relation to conduct of driver of automobile after happening of accident, 101 A.L.R. 911.

Permissive or mandatory character of legislation in relation to payment of public debts, 103 A.L.R. 812.

Constitutionality, construction, and application of statute as to effect of taking appeal, or staying execution, on right to redeem from execution or judicial sale, 107 A.L.R. 879.

Constitutionality of statute which by express terms or construction declares that attorneys' liens shall not be affected by settlement or compromise between the parties, 122 A.L.R. 974.

Supplying omitted words in statute or ordinance, 126 A.L.R. 1325.

Character as felony or misdemeanor of offense for which a fine is provided as afected by provision for imprisonment until fine is satisfied, 127 A.L.R. 1286.

Date or event contemplated by term "passage," "enactment," "effective date," etc., employed by statute in fixing time of facts or conditions within its operation, 132 A.L.R. 1048.

Standard or system of time, 143 A.L.R. 1238.

Presumption that, in re-enacting statute, legislature adopted previous judicial construction thereof, as applied to construction by trial or intermediate appellate court, 146 A.L.R. 923.

"And/or," 154 A.L.R. 866.

What amounts to seizure and holding of employer's plant, equipment, machinery, or other property within statutory exception to inhibition on injunctions in labor disputes, 163 A.L.R. 668.

Inclusion or exclusion of the day of birth in computing one's age, *5 A.L.R.2d 1143*.

Construction and effect of statutes limiting duration of agricultural leases, *17 A.L.R.2d 566*.

Construction and effect in civil actions of statute, ordinance, or regulation requiring vehicles to be stopped or parked parallel with, and within certain distance of, curb, *17 A.L.R.2d 582*.

Effective date of census, *43 A.L.R.2d 1353*.

Meaning of "residence district," "business district," "school area," and the like, in statutes and ordinances regulating speed of motor vehicles, *50 A.L.R.2d 343*.

Time for payment of insurance premium where last day falls on Sunday or holiday, *53 A.L.R.2d 877*.

What constitutes a "scaffold" within scaffold safety requirement statutes, *87 A.L.R.2d 977*.

Construction of zoning regulations prescribing minimum area for house lots or requiring an area proportionate to number of families to be housed, *95 A.L.R.2d 761*.

Inclusion or exclusion of first and last days in computing the time for performance of an act or event which must take place a certain number of days before a known future date, *98 A.L.R.2d 1331*.

Construction and application of statutes prohibiting or limiting loans to bank's officers or directors, *49 A.L.R.3d 727*.

Abstention from voting of member of municipal council present at session as affecting requisite voting majority, *63 A.L.R.3d 1072*.

Validity of zoning laws setting minimum lot size requirements, *1 A.L.R.5th 622*.

Construction and application of zoning laws setting minimum lot size requirements, *2 A.L.R.5th 553*.

Hierarchy Notes:

Chapter Note

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