



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

December 4, 1961

Honorable Walter E. Wilson
County Attorney
Ector County
Odessa, Texas

Opinion No. WW-1204

Re: Whether the three-day period required in Section (b) of Article 4605, Vernon's Civil Statutes, contemplates a period of three calendar days or a period of seventy-two hours.

Dear Mr. Wilson:

In your request for an opinion you ask the following question:

"Does the three-day period required in Article 4605, Section (b), Vernon's Annotated Civil Statutes, contemplate a period of three calendar days or a period of seventy-two hours?"

Section (b) of Article 4605, Vernon's Civil Statutes, is concerned with the procedure for the issuance of a marriage license. That part of Section (b) most pertinent to our discussion is as follows:

". . .; provided however, that in the event the male party is under the age of twenty-one (21) years or the female party is under the age of eighteen (18) years such application shall have been on file in the County Clerk's Office for a period of not less than three (3) days."

One of the cardinal rules of statutory construction is that words employed by the Legislature are to be taken in their ordinary and popular acceptation, unless technical terms are used, or unless it clearly appears from the context that the words used were not intended to be understood in their ordinary and popular signification. Engelking v. Von Womel, 26 Tex. 469 (1863); Clarey v. Hurst, 136 S.W. 840 (Civ. App. 1911). We have found no authority in regard to the definition of the word "days" as it is used in Section (b) of Article 4605.

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However, we have found ample authority for the proposition that the use of the word "day" in a statute should be considered in its ordinary sense as a "calendar day." Booker v. Chief Engineer of Fire Department of Woburn, 324 Mass. 264, 85 N.E.2d 766 (1949); In re Opinion of the Justice, 252 Ala. 541, 42 So.2d 27 (1949); Long v. City of Wichita Falls, 142 Tex. 202, 176 S.W.2d 936 (1944).

Therefore, it is our opinion that the word "days" as it appears in Section (b) of Article 4605, Vernon's Civil Statutes, was not intended by the Legislature to be taken in its restrictive or technical sense; that such word was intended to denote a calendar day and a day as a unit of time, not an aggregation of a certain number of hours, minutes or seconds.

S U M M A R Y

The three day period required in Section (b) of Article 4605, Vernon's Civil Statutes, contemplates a period of three calendar days.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
I. Raymond Williams, Jr.
Assistant

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APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

Marvin Thomas
Robert Lewis
Morgan Nesbitt
Marvin Sentelle

REVIEWED FOR THE ATTORNEY GENERAL
BY: Houghton Brownlee, Jr.