
Volume 36
Issue 1 *Dickinson Law Review - Volume 36,*
1931-1932

10-1-1931

Punctuation of Statutes

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Recommended Citation

W.H. Hitchler, *Punctuation of Statutes*, 36 DICK. L. REV. 39 (1931).
Available at: <https://ideas.dickinsonlaw.psu.edu/dlra/vol36/iss1/6>

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[The chief authority is *Memoirs of John Bannister Gibson* (1890), by his grandson, T. P. Roberts, which also contains an account of his ancestry so far as it is known. His professional record is exhaustively reviewed in W. A. Porter, *An Essay on the Life, Character and Writings of John B. Gibson, LL.D.*, (1855) and S. D. Matlack, "John Bannister Gibson," in W. D. Lewis, ed., *Great Am. Lawyers*, III (107), 353, the latter being the more balanced appraisal. See also *U. S. Monthly Law Mag.* Mar. 1851; D. P. Brown, *The Forum*, (1856) I, 418; G. J. Clark, *Life Sketches of Eminent Lawyers* (1895), I, 34; John Hays, "Address on Presentation of a Bust of Judge Gibson on behalf of his Grandson, Thomas P. Roberts, Esq.," *Proc. Hamilton Library Asso., Carlisle, Pa.* (1911). An unfavorable and severely critical estimate of Gibson will be found in Owen Wister, "The Supreme Court of Pennsylvania," *Green Bag*, Jan. 1891.]

H. W. H. K.

PUNCTUATION OF STATUTES

Section 1208 of the Vehicle Code of May 1, 1929,¹ provides:—"All civil actions for damages, arising from the use and operation of any vehicle, may, at the discretion of the plaintiff, be brought before any magistrate, alderman or justice of the peace, in the county wherein the alleged damages were sustained, if the plaintiff has had such damages repaired, and shall produce a receipted bill for the same, properly sworn to by the party making such repairs or his agent; or said action may be brought in the court of common pleas of said county * * *."

In *Orlosky v. Haskell*² it is held that the restrictive clause "if the plaintiff," etc., does not apply to actions brought in the common pleas. The decision was based, in part at least, upon the punctuation of the statute.

The Court said:—"Section 1208 is divisible by a semicolon. 'The semicolon is used to separate consecutive phrases or clauses which are independent of each other grammatically, but depend alike upon some word preceding or following.' *Winchell on Punctuation*. The two parts of section 1208 which are separated by a semicolon are inde-

1. P. L. 905, 75 P. S. 738.

2. 304 Pa. 57, 155 Atl. 112.

pendent of each other grammatically. The first part distinctly authorizes the bringing of actions for damages arising from the use and operation of any vehicle, before any magistrate, alderman, or justice of the peace, if the damages have been repaired and a receipted and sworn to bill is produced for the same. The substance of the actual language used in the part of section 1208 following the semicolon is that actions for damages from the use and operation of any vehicle may be brought in the court of common pleas, etc., and there is no conditional 'if' clause or proviso following the semicolon to the effect that a receipted bill for property damages is a prerequisite to that action. A qualifying phrase which appears in a paragraph before a semicolon does not leap over or bridge the semicolon and qualify what follows the semicolon. Provisos ordinarily qualify what precedes not what follows them."

The reasoning of the Court obviously overlooks the fact that in the act as it was passed by the Legislature and signed by the Governor, and as it is now on file in the office of the Secretary of the Commonwealth, there is neither a semicolon nor any other punctuation.

In Pennsylvania statutes as passed by the Legislature and signed by the Governor are not punctuated. The punctuation is inserted subsequently in the copy from which the Pamphlet Laws are printed by an employee in the office of the Secretary of the Commonwealth. "The manner in which acts of assembly are printed while they are upon their passage is perfectly familiar. The marks of punctuation are added subsequently by a clerk or compositor, and this duty is performed very frequently in an exceedingly capricious and novel way."³

It has therefore been held that the courts may punctuate a statute⁴ or may disregard⁵ or transpose its punctuation.⁶ It has been specifically held that the courts may disregard a *semicolon* in a statute.⁷

W. H. HITCHLER.

3. *Commonwealth v. Shopp*, 1 Woodward 123.

4. *Wetmore v. Wetmore*, 17 Pa. C. C. 11.

5. *Commonwealth v. Gilkeson*, 18 Pa. Super. Ct. 516.

6. *Commonwealth v. Shopp*, 1 Woodward 123.

7. *Commonwealth v. Rimmel*, 68 Pa. Super. Ct. 240.