

Wyo. Stat. § 8-1-101

Current through chapters effective March 31 of the 2019 General Session of the Wyoming Legislature. Subject to revisions by LSO.

Wyoming Statutes Annotated > Title 8 General Provisions (Chs. 1 — 7) > Chapter 1 Common Law, Statutes and Rules of Construction (§§ 8-1-101 — 8-1-109)

§ 8-1-101. Adoption of common law.

The common law of England as modified by judicial decisions, so far as the same is of a general nature and not inapplicable, and all declaratory or remedial acts or statutes made in aid of, or to supply the defects of the common law prior to the fourth year of James the First (excepting the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth and ninth chapter of thirty-seventh Henry Eighth) and which are of a general nature and not local to England, are the rule of decision in this state when not inconsistent with the laws thereof, and are considered as of full force until repealed by legislative authority.

History

C.L. 1876, ch. 26, § 1; R.S. 1887, § 498; R.S. 1899, § 2695; C.S. 1910, § 3588; C.S. 1920, § 4547; R.S. 1931, § 26-101; C.S. 1945, § 16-301; W.S. 1957, § 8-17; W.S. 1977, § 8-3-101; Laws 1978, ch. 37, § 1.

Annotations

I. General Consideration.

The common law of England has been by statute adopted as a rule of decision in this state. *Goldsmith v. Cheney*, 468 P.2d 813, 1970 Wyo. LEXIS 164 (Wyo. 1970).

Whatever of the common law is in force in this jurisdiction is here by the terms of the statute adopting it, enacted at an early day, and incorporated in this section. *State v. Foster*, 5 Wyo. 199, 38 P. 926, 1895 Wyo. LEXIS 14 (Wyo. 1895).

Conditions for adoption. —

In adopting the common law, it must be applicable to the habits and condition of the society of Wyoming, and in harmony with the genius, spirit and objects of its institutions. *Crawford v. Barber*, 385 P.2d 655, 1963 Wyo. LEXIS 114 (Wyo. 1963).

The courts will adopt principles of common law as rules of decision so far only as those principles are adapted to circumstances within the state, its state of society and its form of government. *Fuchs v. Goe*, 62 Wyo. 134, 163 P.2d 783, 1945 Wyo. LEXIS 32 (Wyo. 1945).