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This statement of the rule, however, is subject to some qualification. Black on Interpretation of Laws, 2nd Edition, Pages 431-432.

25 R.C.L. 231, says it is contrary to the nature of a proviso to enlarge the operation of a statute. In support of this proposition, the text cites Wolf vs. Bauereis, 72 Md. 481. In that case, our Court of Appeals in construing a provision of the Code remarked:

"The general language in the proviso of the section under consideration must be taken and read in connection with the preceding part of the section. \* \* \* It is said that the function of a proviso is that of limiting and qualifying the language of the statute, and not that of enlarging or extending the Act or section of which it is a part; and that a proviso should always be construed with reference to the immediately preceding parts of the clause or section to which it is attached. In re Webb, 24 How. Pr. 247; Comm'rs of Kensington vs. Keith, 2 Penn. St., 218; Ex parte Partington, 6 Q.B., 649, 663; Endlich on Interp. of Sts., sec.186."

Sutherland in his work on Statutory Construction, 2nd Edition, Section 352, states:

"The natural and appropriate office of the proviso being to restrain or qualify some preceding matter, it should be confined to what precedes it unless it clearly appears to have been intended to apply to some other matter. It is to be construed in connection with the section of which it forms a part and it is substantially an exception. If it be a proviso to a particular section, it does not apply to others unless plainly intended."

Reading this second proviso in connection with Section 176, of which it forms a part, and bearing in mind, what the Court of Appeals says, that "the function of a proviso is that of limiting and qualifying the language of a statute, and not that of enlarging or extending the Act or section of which it is a part," it cannot be held that this proviso authorizes the Commissioners for Opening Streets to sell the materials of any house other than that which the owner has surrendered in writing, and the Commissioners have paid for, in accordance with the Section. The only effect of this proviso is to limit and qualify the general language of the Section which requires that the sales therein authorized shall be at public auction. The limitation and qualification of the proviso is that the materials in the houses, sheds or obstructions may be sold at private sale, if, in the judgment of the Commis-