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INTERPRETATION OF DOCUMENTS—THE PAROL EVIDENCE RULE AND AN EXCEPTION FOR ERRONEOUS DESCRIPTION

Few doctrines are more firmly established in our law than the rule that on the question of interpretation of a legal instrument declarations of intention of the maker or makers dealing with the subject of the specific document are inadmissible.¹ Such statements, though not excluded on the ground of hearsay, being clearly admissible under the exception for Declarations Evidencing Physical or Mental Condition, are with equal clearness prohibited by the so-called Parol Evidence Rule (and in case of wills by the further consideration that their use would, in general, contravene the policy of the Statute of Wills as to oral testaments).² To this exclusionary rule there is, however, a well-recognized exception

¹ See, *e.g.*, *Knowlton v. Campbell*, 48 W. Va. 294, 37 S. E. 581 (1900); *Ferimer v. Lewis, Hubbard & Co.*, 114 W. Va. 629, 173 S. E. 264 (1934).

² See 9 WIGMORE, EVIDENCE (3d ed. 1940) § 2471. Cf. THAYER, PRELIMINARY TREATISE ON EVIDENCE (1898) 444 *et seq.*