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EDITORIAL NOTES

WAIVER OF TRIAL BY JURY; A FURTHER COMMENT

The local law dealing with this subject has already been reviewed by the writer in a former issue of this publication,¹ where an attempt has been made to analyze the constitutional provisions, the statutes and the decisions prescribing the method and limiting the conditions under which a valid waiver of trial by jury may be made. The present discussion is prompted by a recent decision² which has finally placed definite emphasis on an element in the situation which, although alluded to in a prior case, has generally been ignored. What is said here will apply only to actions in-

¹ Note (1927) 33 W. VA. L. Q. 183.

² Matheny v. Greider, 177 S. E. 769 (W. Va. 1934).