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STUDENT NOTES AND RECENT CASES

CRIMINAL CONSERVATION — DAMAGES — REFUSAL OF WRIT OF ERROR.—At the October, 1929, term of the Circuit Court of Monongalia County, Urban H. Lawlis brought an action of trespass on the case against James E. Brewer. The plaintiff's declaration charged that the defendant enticed, persuaded and procured the plaintiff's wife to abandon and desert him and that on divers occasions the defendant wickedly debauched and carnally knew the plaintiff's wife. The defendant defaulted and the case was tried on a writ of inquiry before a jury. The reason for defendant's default, as stated in his affidavit which was made a part of the petition for a writ of error, was that on the day of the trial, counsel whom he had previously employed refused to proceed with the case. The jury returned a verdict for the plaintiff for \$15,500.00 and judgment was entered thereon. The plaintiff proved by the opinion of a deputy assessor that the defendant was worth somewhat in excess of \$13,000.00. Defendant has a wife and dependent children and is more than fifty years old. Counsel later employed by the defendant petitioned the Supreme Court of Appeals for a writ of error relying chiefly on excessive damages and surprise to the defendant occasioned by withdrawal of counsel. A writ of error was refused.

The case is interesting from three points of view: (1) the in-