County Courts–Contracts–Interest of Members Therin

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would be liable (except for unreasonable acts of the agent) whether the act was lawful or unlawful.

But in (b) we enter the domain of the agent's attempt at a vindication of the law (i.e., holding the suspect after his principal's property has been recovered.) In the absence of authorization the agent acts as a good citizen, rather than for his principal, and therefore the act is not within the scope of his employment. MECHEM, AGENCY (2nd ed.) §1974. In such a case, the principal has not employed the agent for the purpose of vindicating the law, and such act is in no way incident to the agent's employment, or within its scope.

—Lester C. Hess.

COUNTY COURTS — CONTRACTS — INTEREST OF MEMBERS THEREIN.—Plaintiffs seek an injunction to prevent the purchase of certain land by the county court for use as a site for courthouse and jail. It is shown that this land adjoins land owned by a member of the county court; that that member moved to purchase the land; and, that the vote on the question was two for and one against the purchase. It is alleged that the contract is illegal in contemplation of Ch. 39, §8b of the WEST VIRGINIA CODE (1923) which provides: "and it shall be unlawful for any member of the county court, or any other tribunal established in lieu thereof, to be directly or indirectly interested in any contract for furnishing supplies for the poor, or in any other contract for any purpose whatever, in which the county shall be in any way interested." Held, Where the county court proposes to buy land for public use, the fact that one of the members of the county court owns adjoining property will not disqualify him for voting for the purchase on the ground of interest, where it is not shown that the purchase will increase the value, or necessitate the purchase of his property. Beall et al. v. Brooke County Court, 138 S. E. 730 (W. Va. 1927).

It is submitted that this sort of statutory provision, so generally found in the laws of the states, is for the purpose of securing to the public as large a measure of freedom from political corruption as possible. Lumber Co. v. McIntyre et al., 100 Wis. 245, 75 N. W. 964. If this is the reason for the law it might well be held that any interest of a member of the county court, direct or indirect, large or small, would
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disqualify him from voting for a contract in which he had such interest. Yet the trend of authority generally is to the effect that if the interest of a public officer is only indirect the cases are to be considered on their special facts and are to be held illegal only where there is a lack of proper disclosure, a fraudulent intent, or where some unfairness exists. III WILLISTON, CONTRACTS, §1735. Nevertheless, our court has held that the slightest interest will disqualify a judge. Findlay v. Smith, 42 W. Va. 299, 26 S. E. 370; Coal Company v. Doolittle, 54 W. Va. 210, 46 S. E. 238. Also, the fact that a juror was an employee of the corporation which is the prosecuting witness in a larceny case in which the juror was called to serve was held a sufficient interest to disqualify him. State v. Dushman, 79 W. Va. 747, 91 S. E. 809. In these cases the law is zealous in its protection of the individual. By analogy, should the law not protect as fully the rights of the public to its guarantee of officers acting without personal interest in the business of the public? Our court has said that the true intent of the legislature is the law in construing statutes. Waldron v. Taylor, 52 W. Va. 284, 45 S. E. 336; State v. Harden, 62 W. Va. 313; 60 S. E. 394; Click v. Click, 98 W. Va. 419, 127 S. E. 194. Every statute is to be interpreted with reference to the object to be accomplished. Association v. Sohn, 54 W. Va. 101, 46 S. E. 222. The court found that there was no interest. It is suggested that this finding is at least doubtful in view of the fact that the alleged interested member's vote was necessary to authorize the purchase and since the property in question adjoins the property of the alleged interested member. It is further suggested that the public interest would have been served and the legislative intent satisfied if such doubt had been resolved in favor of the plaintiffs in this suit. The precedent here established upon these facts certainly should not be extended.

—R. Paul Holland.

EVIDENCE—CONFESSIONS—WHAT CONSTITUTES INVOLUNTARINESS.—Defendants, who were accused of murder, were confined separately and were taken out and questioned each day for several weeks by a private detective and two witnesses. They finally made confessions which the state