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# West Virginia Law Quarterly

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**THE RIGHT TO TRIAL BY JURY IN WEST VIRGINIA.**—The right to trial by jury in West Virginia is preserved by the Constitution in both civil and criminal cases. The thirteenth section of the Bill of Rights, relating to civil cases, reads as follows:

“In suits at common law, where the value in controversy exceeds twenty dollars exclusive of interest and costs, the right of trial by jury, if required by either party, shall be preserved; and in such suit before a justice a jury may consist of six persons. No fact tried by a jury shall be otherwise re-examined in any case than according to the rules of the common law.”

It will be noted that the Constitution provides that the right shall be preserved “if required by either party.” The most obvious interpretation of this language would be to the effect that, in any specific case, the right is guaranteed only in the event that a party “requires” a jury, or, in other words, affirmatively claims the right. If the Constitutional