January 1924

Masthead Volume 30, Issue 2

Follow this and additional works at: https://researchrepository.wvu.edu/wvlr

Recommended Citation

Available at: https://researchrepository.wvu.edu/wvlr/vol30/iss2/1

This Prefatory Matter is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.
West Virginia Law Quarterly
And THE BAR

Published by the Faculty of the College of Law of West Virginia University, and issued in November, January, April and June of each academic year. Official publication of The West Virginia Bar Association.

Subscription price to individuals, not members of The West Virginia Bar Association, $2.00 per year. To those who are members of the Association the price is $1.50 per year and is included in their annual dues. Single copies, 50 cents.

Editor-in-Charge
CLIFFORD R. SNIDER

Managing Editor
BENJAMIN G. REEDER

Faculty Board of Editors
JOSEPH WARREN MADDEN JAMES RUSSELL TROTTER THOMAS P. HARDMAN
LEO CARLIN EDMUND C. DICKINSON CLIFFORD R. SNIDER

Student Board of Editors
H. CLAIRE HESS, Chairman ROBERT MILLER MOIR COLUMBUS L. WETZEL
WM. BRUCE HOFF ARCHIBALD M. CANTRALL HARRY L. SNYDER, Jr.

Can the Bar of the Statute of Limitations Be Asserted on Demurrer?—In a recent West Virginia decision, an action of trespass on the case for the wrongful suing out of an injunction, the defendant demurred to the declaration on the ground that it appeared on the face of the declaration that the action was barred by the statute of limitations. The trial court overruled the demurrer. The Supreme Court of Appeals, approving the action of the lower court in overruling the demurrer, makes the following statement:

"We also approve the action of the lower court in overruling the demurrer to the declaration. It is true that, where the facts sufficiently appear upon the face of the pleading, the statute of limitations may be raised by demurrer (Crawford’s Adm’r v. Turner’s Adm’r, 67 W. Va. 564, 68 S. E. 179), but it does not appear here except from the process that suit was delayed beyond the statutory period, and oyer of the process was not craved in order to its being considered on the demurrer (Lambert v. Ensign Manufacturing Co., 42 W. Va. 813, 26 S. E. 431)."