

June 1923

Annual Meeting

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he had in §553 laid down the rule that "It is not necessary that a trust of any kind in this state, either in real or personal estate, be in writing. Its creation may be by mere verbal agreement."

Can these apparently contrary cases be reconciled, or explained, so that some semblance of a consistent policy toward the effect of the statute of frauds upon creation of trusts may be laid down as our law? The holdings in *Pusey v. Gardner*, *supra*, and *Zone v. Fink*, *supra*, are justified by the parol evidence rule, and the court's tacking on the prohibition of the statute of frauds is gratuitous and not necessary for the decision of these cases. The same is also true of *Poling v. Williams*, *supra*, and *Richardson v. McConaughy*, *supra*, in the latter of which cases Judge Poffenbarger concurs in the result, but dissents as to the grounds, and says that this case does not come within the prohibition of the statute of frauds. In *Crawford v. Workman*, *supra*, the court left plaintiff in the predicament into which he had gotten himself by conveying to defraud creditors, but not being content to rest the case there the court throws in for good measure the prohibition of the statute of frauds. These dicta and quasi-holdings seem to be outweighed both by principle and numerical weight of decisions, and it would seem that it can hardly be doubted that the law in West Virginia today is that trusts do not come within the prohibition of the statute of frauds.

—J. D. D.

WEST VIRGINIA BAR ASSOCIATION NOTES: NEWS OF THE PROFESSION.

ANNUAL MEETING.—The annual meeting of the Association for 1923 will be held in Morgantown on Thursday, Friday and Saturday, November 15, 16 and 17. The program is not yet completed, but the addresses already arranged for will insure a meeting of unusual interest and benefit. The president's address, by General T. S. Riley of Wheeling, will maintain the high standard set by the presidents of former years. The annual address will be delivered on Thursday evening by Ex-Senator A. J. Beveridge of Indiana. The subject will be "The development of the American Constitution under John Marshall." Mr. Beveridge's book, "The

Life of John Marshall," has made a deep impression upon the profession, and stamps the author as a man most capable of discussing this classical period in our constitutional history. In this day, when every lawyer is called upon to defend the exercise by the courts of their duty of examining the constitutionality of legislation, it is a privilege to have the assistance of such a master as Mr. Beveridge.

The annual banquet of the Association will be held on Friday evening. Former Governor Wm. E. Glasscock of Morgantown is chairman of the banquet committee.

On Saturday forenoon the formal dedication of the new building erected for the College of Law will take place, with appropriate exercises. Dean Roscoe Pound of the Harvard Law School will deliver the principal address. In addition to being the most profound legal scholar in America today, Dean Pound is a remarkably able speaker. He will no doubt make our dedication the occasion of an address that will mark a step in the progress of legal education. Senator George E. Price of Charleston, who has maintained an unfailing interest in legal education and in the maintenance of the ideals of the profession, will, as the representative of the bar of the State, address the meeting on some subject relating to legal education.

On Saturday afternoon the football game with St. Louis University, a worthy opponent even for our splendid team, will be the attraction. The opportunity to hear such speakers as General Riley, Senator Beveridge, Dean Pound and Senator Price, to inspect the splendid new Law Building, to see the football team in action, and to have a general reunion of the old students of the law school, should bring to Morgantown the largest crowd which has ever attended an association meeting.

PRACTICE COURT.—The sessions of the Practice Court of the College of Law have been presided over this year by Hon. C. W. Lynch, former judge of the Supreme Court of Appeals, of Clarksburg, and by Circuit Judges John H. Hatcher of Beckley, Warren B. Kittle of Philippi, and I. Grant Lazzelle of Morgantown. The first three named had not done this work before, but all of them entered enthusiastically into the spirit of the work, and the result was a series of trials from which the senior students profited greatly and which the judges seemed to enjoy. Judge Lazzelle has