April 1922

Bar Examination

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

Recommended Citation

Available at: https://researchrepository.wvu.edu/wvlr/vol28/iss3/13

This West Virginia Bar Association Note 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.
law verity rule, when judgment went against one having no notice of suit, his only remedy was against the sheriff and his bondsmen, who must often pay heavily for an innocent mistake. *Miedreich v. Lauenstein, supra.* Under the rule laid down in the principal case this litigation and the probable miscarriage of justice are avoided. As one court points out, justice requires that the rule should not prevent relief against a return which is untrue through mistake. *Alegretti v. Stubbett, 126 Ill. App. 171.* In the majority of the states the rule of verity has been abolished or modified by the courts or by statute. *Kavanaugh v. Hamilton, 53 Colo. 157, 125 Pac. 512; Hilt v. Heimberger, 235 Ill. 235, 85 N. E. 304; 11 Ency. of Ev. 721; 21 R. C. L. 1321.* The court, in overruling the verity rule previously followed, follows the reasons pointed out by Edson R. Sunderland in his article on "The Sheriff's Return", 16 Col. L. Rev. 281, where this question is ably discussed. The verity rule, although based upon the protection to the parties who have relied on judicial proceedings, upon the faith of which rights have been adjudicated and value parted with, nevertheless often works great hardship where the only recourse of the victim of the false return is against the sheriff and his bondsmen, which may avail him nothing. When all the interests are weighed it would seem that the balance is in favor of making a return *prima facie,* rather than conclusive evidence of service.

—R. G. K.

WEST VIRGINIA BAR ASSOCIATION NOTES:

NEWS OF THE PROFESSION

Bar Examination.—At the semi-annual examination held at Charleston by the Board of Law Examiners, on March 8th and 9th, the following applicants successfully passed all requirements:

E. Z. Duty, Man
J. W. Madden, Morgantown
Roscoe C. Preston, Williamson
William C. Revercomb, Charleston
Earnest A. See, Mathias
Joseph L. Silverstein, Charleston
Charles D. Mahood, Princeton
E. V. Fortney, Kingwood.