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STUDENT NOTES

The Common Law As A Bar To Judicial Legislation

The state of West Virginia, like every other state except Louisiana, is considered to be a common law state.¹ The West Virginia constitution and the state code expressly adopt the common law, unless it has been changed by the Legislature.² The West Virginia constitution provides, "[S]uch parts of the common law, and of

¹ Every state in this country, except Louisiana, has adopted the common law by statute or constitutional provision. In Louisiana, the civil code applies in civil matters. 15 AM. JUR. 2d, *Common Law*, § 11 (1964).

² W. VA. CONST., art. 8, § 21 (Michie 1966); W. VA. CODE, ch. 2, art. 1, § 1 (Michie 1966).