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 A.M.Jur. 2d, Common Law, § 11 (1964).