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The Syllabus Is the Law--Another Word

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"THE SYLLABUS IS THE LAW" — ANOTHER WORD BY FOX, J.

In one of its most recent decisions\(^1\) our Supreme Court of Appeals makes a significant statement which deftly explodes the widespread notion that the syllabus has some sort of sacrosanct efficacy in West Virginia. Anent the syllabus in a former case,\(^2\) the court, \textit{per} Fox, J., delivers a neat requiescat:

"We think the ruling of the court in that case, while not carried into the syllabus, is nevertheless law rather than dicta, if there be a distinction between the two."\(^3\)

The distinction — "if there be a distinction" — between law and dicta is of course another story, though a closely related one.

\(^{1}\) Miller v. Huntington & Ohio Bridge Co., 15 S. E. (2d) 687 (W. Va. 1941).
\(^{2}\) Davis v. West Virginia Bridge Comm., 113 W. Va. 119, 166 S. E. 819 (1932).
But the learned judge's pronouncement as to the status of the syllabus is too neat to justify comment.⁴

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⁴ Former discussions of this same topic, to which the present note is only an appendix: "The Law"—in West Virginia (1940) 47 W. VA. L. Q. 23, and "The Syllabus Is the Law" (1941) 47 W. VA. L. Q. 141; "The Syllabus Is the Law"—Another Word, id. at 209.