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# West Virginia Law Review

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## STUDENT NOTE

### Diminishing Property Rights

If Americans held land in a truly allodial fashion, each landowner could do as he pleased without concern for the rights of others. However, this is impossible in an organized society. As the growing importance of the community dawns upon man's consciousness, the individual's rights must yield to the best interest of society. As changes in political philosophy increase the importance of the state over the individual, limitations on his property are necessarily increased.<sup>1</sup> This paper examines several areas in which property rights have diminished. Because several of these areas have their roots in common law, it is necessary to examine briefly the historical development of real property law in England.

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<sup>1</sup> 1 THOMPSON, REAL PROPERTY § 3 (4th ed. 1964).