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STUDENT NOTES

Mineral Interests and the Executive Right in West Virginia

Because the risk and expense incident to the drilling and completion of an oil and gas well is great, a mineral owner is seldom able to undertake such an operation himself. In practice, therefore, the only way he may benefit from his ownership in the minerals is by leasing the right to develop them on a royalty basis.¹

In West Virginia, because of the confusion surrounding the effect and validity of the "executive right"² and because of the

¹ United Carbon Co. v. Presley, 126 W. Va. 636, 29 S.E.2d 466 (1944). Of course if the mineral owner is sufficiently affluent he may himself develop the underlying minerals, but such affluence is seldom encountered in the average West Virginia mineral owner.

² The term "executive right" is used to designate the right to execute oil and gas leases on premises affected by a royalty or non-executive interest.